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ABSTRACT

This hearing was called to examine the current status and relevance of the foreign student tracking system in the United States in the context of the events of September 11, 2001 and the passage of the PATRIOT Act, which authorized funds to expand the foreign student tracking system. An opening statement by George W. Gekas, Chairman of the House Subcommittee on Immigration, Border Security, and Claims, Committee of the Judiciary, was followed by testimony from four witnesses: (1) Janis Sposato, Assistant Deputy, Executive Associate Commissioner for the Immigration Services Division, Immigration and Naturalization Service; (2) Glenn A. Fine, Inspector General, U.S. Department of Justice; (3) Catheryn D. Cotton, Director of the International Office, Duke University; and (4) Terry W. Hartle, Senior Vice President, Government and Public Affairs, American Council on Education. The prepared statement of each witness follows their oral testimony. An appendix contains a statement prepared by a foreign students' association. (SLD)

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IMMIGRATION AND NATURALIZATION SERVICE'S (INS'S) IMPLEMENTATION OF THE FOREIGN STUDENT TRACKING PROGRAM

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ED 471 731

HEARING

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY, AND CLAIMS

OF THE

COMMITTEE ON THE JUDICIARY HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

SEPTEMBER 18, 2002

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IMMIGRATION AND NATURALIZATION SERVICE'S (INS'S) IMPLEMENTATION OF THE FOREIGN STUDENT TRACKING PROGRAM

WEDNESDAY, SEPTEMBER 18, 2002

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON IMMIGRATION,
BORDER SECURITY, AND CLAIMS,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittee met, pursuant to call, at 10 a.m., in Room 2237, Rayburn House Office Building, Hon. George W. Gekas [Chairman of the Subcommittee] presiding.

Mr. GEKAS. The hour of 10 having arrived, the Committee will come to order.

Because the rules of the House and, therefore, the rules of the Committee require two Members to be present for any hearing, we are compelled to recess until a second Member should appear. The fall of the gavel has kept faith with our intent to start every hearing and every meeting in which we are involved on time, so we can say that we started this on time. Now I have a choice of banging the gavel again to recess until the second Member comes, or to read Shakespeare's sonnets until someone should appear. The better judgment will be to recess until the second Member should appear. We stand in recess.

[Recess.]

Mr. GEKAS. The Chair notes the entry and soon to take his seat by the gentleman from Arizona, Mr. Flake. Thus, a hearing quorum has been constituted; and the recess has been concluded. We will proceed with opening statements, of which one will be from the Chair.

This hearing has been called, of course, to examine, as fully as we can the current status and to what extent it is relevant, the history of the foreign student tracking system. Many will recall that in the year 2000 the Special Commission on Terrorism took note of what it considered to be big loopholes and flaws in the then tracking system that was in existence. And it wasn't until the—was it 2000? Yes. It wasn't until we suffered the attacks of September the 11th and prior to that, of course, the World Trade Center bombings in 1993 that we began to wonder and ponder ourselves about the tracking system.

The 1993 incident, where the World Trade Center was the subject of the attack, the evidence showed that a Jordanian national was at the epicenter of the activities that led to and touched off

those bombings. Why is that important? He had entered the United States on a student visa in 1989 and entered the Wichita State University in Kansas. The evidence shows that after three semesters he had dropped out, later to join a group of terrorists. That is exactly what we are concerned about is the overall effect of and the apparatus building and tracking these foreign students.

Then following that, in 1995, the INS report concluded that, as we all know, that there was a great public concern about the whereabouts of the students that enter our country. How do they enter? Why were they granted a student visa in the first place? Once they entered, did we then forever set them aside and never know when they will be completing their course in a particular institution? What exactly has happened to that student?

So we crept upwards in this problem, and in 1996 Congress required that the INS set up the automated student tracking system that will be operational with all institutions of higher education by 1998. So now we had taken a giant step, we thought.

Then September the 11th occurred; and the whole world knows that three of the terrorists there were students in the United States, pursuant to student visas. We were all startled to learn that this was just a small example of the number of people who are untracked who come into our country on these student visas and then disappear into our society or perhaps even return to their own country without our ever knowing that that has occurred.

So we had further evidence compiled by the Inspector General, who found that the INS lacked accurate data about the schools that are authorized to accept foreign students. We have had numerous problems with the institutions of higher learning, almost a flaunting of the regulations and laws having to do with student tracking, in my judgment; and part of that problem has to do with whether or not they are duly certified and continuously examined by the INS to see what they have in place and how they deal with the visas that are issued that benefit their institutions.

As a matter of fact, I was given a note that the Chicago Tribune recently published an article about the certification and the accreditation of these institutions, and the—I guess the thrust of the article was to the effect that some are not well examined and are not properly accredited and therefore should not be in a position to be able to issue student visas, and yet it continues unabated.

These are worrisome matters and will be the subject of some of the testimony that our witnesses will be offering and will be the subject of some of the questions that we will be offering to the panel.

So now where are we? The outcome was that since September the 11th and the passage of the PATRIOT Act, which authorized more than $36 million to implement and expand the foreign student tracking system, we have moved forward to the new solution for this problem, the SEVIS program, or SEVIS, the student tracking program that is in place now and which is to be completed by January of 2003. That is to be fully in operational status by 2003.

The Inspector General has concluded that if implementation of SEVIS is delayed the INS will continue to operate a system in which it knows little about the schools and the students that participated in the foreign student program. This is exactly why we

are here. Of course, even if the INS is able to implement SEVIS, it must still devote adequate resources to analyze the data on a continuing basis as it appears and as it is compiled, to ask for additional resources for every phase of the program, including on how to detect fraud and to take remedial steps. Because there is rampant fraud even in this visa system that applies to foreign students.

One other point. You will recall that in part of my opening remarks it was determined to assert that the schools of higher education were somewhat lax over the years in tracking their own students who came to their institutions via the visa, the student visa. It is the pattern among our educational institutions that they designate a particular individual in their own bureaucracy to pay attention to the student visas. And there we have found, others have found and reported to us, that there is a patchwork of DSO capability, a patchwork of DSO continuity or satisfaction with the job at hand, the training that would go into how a DSO can proceed to monitor all the student visas that comes to that institution. All of that is a separate problem which we face continuously and which we want to confront today during this very hearing.

We have instituted a legislative initiative to improve the lot of the DSO and the status of the DSO and the effectiveness of the DSO; and Chairman Sensenbrenner of the Judiciary Committee and others have promoted the idea and are interested in coming to a legislative and/or bureaucratic set of decisions governing that very same problem.

We now note the presence of the gentleman from California, Mr. Gallegly; and we are prepared to entertain Mr. Flake, if he wishes to make an opening statement.

Mr. FLAKE. Thank you, Mr. Chairman. I have no statement. I just commend the Chairman for calling this hearing and look forward to the testimony.

Mr. GEKAS. Does the gentleman from California wish to make an opening statement?

Mr. GALLEGLY. Mr. Chairman, I always wish to make an opening statement, but in the interest of time and I know that we are really here today to hear from our witnesses, so with that in mind I would yield back to the Chair.

Mr. GEKAS. Thank you.

We will proceed with introduction of the four witnesses who have appeared before us.

Janis Ann Sposato, Assistant Deputy Executive Associate Commissioner for the Immigration Services Division at the Immigration and Naturalization Service who has served with the Department of Justice since 1975. She started as a trial attorney in the Criminal Division's Public Integrity Section. She next served as Special Assistant to the Assistant Attorney General in the Civil Division before going to the Office of Legal Counsel. From there, Ms. Sposato went to the Justice Management Division where she was General Counsel and Deputy Assistant Attorney General before coming to the INS. She received her bachelor's degree from Mount Holyoke College and her JD from Columbia Law School.

Joining her at the witness table is the Honorable Glenn A. Fine, the Inspector General of the United States Department of Justice, who has been with us many times in previous hearings. He has

served as Acting Inspector General from August 2000 to December 2000, was confirmed as Inspector General in December of 2000. He has worked for the Inspector General's Office since January 1995, was in private practice, labor and employment law, from 1989 to 1995. He served as an Assistant U.S. Attorney for the District of Columbia 1986 through 1989. He is a graduate of Harvard College and Law School and was a Rhodes Scholar.

Catheryn D. Cotten is with us as well, director of the International Office at Duke University. At Duke University she works with Federal and State agencies in public and private organizations to insure compliance with laws and regulations governing foreign students and to maximize international education and exchange opportunities for Duke's faculty, staff and students. Ms. Cotten has worked as a consultant and participant in the various projects on student visas since 1996. She was Chair of the Exchange Visitor Working Group at NASA, Association of International Educators, from 1999 to 2001. She served as a consultant and participant in the United States Information Agency Exchange Visitor Program, Reinventing Government Lab, in 1999. She has authored many articles in foreign student publications and has been in Who's who in America since 1997. She graduated from her own Duke University with a bachelor's degree in anthropology.

The final introduction is that of Dr. Terry W. Hartle, Senior Vice President for Government and Public Affairs American Council on Education. Dr. Hartle directs Government relations and public affairs activities for the 1,800 colleges and universities that belong to the American Council on Education. Before joining the Council in 1993, Dr. Hartle was the Education Staff Director for the U.S. Senate Committee on Labor and Human Resources. Prior to working with the Senate, he was Resident Fellow and Director of Social Policy Studies at the American Enterprise Institute for Public Policy Research from 1984 to 1987. He served as a research scientist for Educational Testing Service from 1975 to 1984.

He graduated with a bachelor's degree in history, Hiram College in Ohio, and received a master's in public administration from Syracuse University and a doctorate in public policy from George Washington University.

We want the record to indicate that the gentleman from Pennsylvania, or the lady from Pennsylvania, Mrs. Hart, is present and accounted for; and Congressman Cannon has joined us as well, the gentleman from Utah. We have more than a quorum, and we shall proceed with the testimony.

As per our custom, the written statements that you have offered will automatically become a part of the record without objection. We ask you to summarize as best you can within the 5 minutes that we will allot to you; and we will allow to you complete some of the thoughts, of course, under the pressure of the cross-examination that will follow.

Mr. GEKAS. We will begin in the order in which we introduced our witnesses, with Ms. Sposato.

STATEMENT OF JANIS SPOSATO, ASSISTANT DEPUTY EXECUTIVE ASSOCIATE COMMISSIONER FOR THE IMMIGRATION SERVICES DIVISION, IMMIGRATION AND NATURALIZATION SERVICE

Ms. SPOSATO. Thank you, Mr. Chairman and Members of the Subcommittee. I appreciate your giving me the opportunity to be here today to update you on the progress——

Mr. GEKAS. Put the microphone closer. Thank you.

Ms. SPOSATO. Appreciate the opportunity to update you on the progress that the Immigration and Naturalization Service has made in implementing its new computer system, SEVIS, that will greatly enhance our ability to track and monitor foreign students in the United States.

Since this spring we have made considerable progress on the project, and it has taken us a long way toward meeting the congressionally mandated goal of January 31—January 1, 2003, for full implementation of the system.

This Internet-based system will maintain important and up-to-date information about foreign students and exchange visitors and their dependents, and it will allow for electronic access to the system. Schools will enter data, the State Department will enter data, the Department of Justice will enter data, and then appropriate people may get access to appropriate amounts of that data.

For those of you who like visual aids, I brought a few pictures of the part of the system that we have already deployed. Those are just pictures of the screens that are there. We made our first and primary module of SEVIS available to schools this past July. This module permits the tracking of academic and technical students.

We started accepting applications for school enrollment in SEVIS on July 1. As of yesterday, more than 2,100 schools were involved in the process of enrolling in SEVIS. Over 900 have been preliminarily approved and are now using the system, and an additional 489 have submitted applications which are under review today. There is an additional 625 in the process of completing their applications.

As part of the school approval process, INS is trying to strengthen its control over the institutions authorized to admit the foreign students. At the same time, we want to insure that all eligible schools are enrolled in SEVIS in a timely manner. In order to meet both of these competing goals, we have implemented a phased process of school enrollment involving preliminary enrollment of certain accredited schools and immediate site visits for others.

Because SEVIS is new, we believe it is important that we conduct a site visit of every single school, and we do plan to do that. These visits will allow us to verify that the school is bona fide, but, equally important, it will help us to insure that the recordkeeping and reporting responsibilities of the schools are met.

While the first and primary module of SEVIS was deployed in July, we have much work ahead of us. During the fall, we will engage in an ambitious school enrollment process for the remaining schools using contract investigators to conduct the site visits. On or about October 1, we will deploy a module of SEVIS that will allow the schools who choose to do so to enter their data directly from the internal school computer systems.

Next week, we will make this so-called batch processing module available to schools for testing. I have brought some handouts for any schools here that are interested in that, and it will tell you how to get to the Internet site to do that testing.

In the late fall, we will deploy the SEVIS module for tracking exchange visitors.

If we can keep to our schedule, SEVIS will be fully deployed on January 1. We are doing everything we can to meet that schedule; and, frankly, the toughest part is behind us. INS has been working aggressively to provide schools with all the information they need to participate fully in SEVIS, and that includes technical specifications for batch processing and reporting requirements. We launched this outreach long before we deployed any software.

Over the past year, INS participated in over a hundred seminars across the country for school officials, vendors and the general public; and we are continuing to do this. We have, among other things, also created a toll-free center dedicated solely to answering SEVIS-related questions and a web page where we post policy memos, proposed regulations and other pertinent information.

We published the proposed rules governing SEVIS implementation in the Federal Register on May 16, and we have received many comments. We will absorb those comments. We have largely done that and move that through the administration approval process in the next week.

The efforts I have discussed, in combination with those outlined in my written testimony, have put INS firmly on track to meet the January 1 deadline that Congress set for full implementation of the system.

Although the Department of Justice Inspector General issued a report in May that questioned our ability to have this system fully functional by that date, we are determined to meet the deadline. At the time of the IG's SEVIS program, we did not have a deployment plan, including its use of contract investigators, in place. To his credit the Inspector General and his staff have supported us in our implementation efforts since May, and I would venture to say that this is one case where my esteemed colleague wouldn't mind being wrong. We will all be winners when the system is fully deployed.

Mr. Chairman, the implementation of SEVIS will allow our Nation to maintain its tradition of openness to international students with greater confidence that our friendship and sharing of knowledge with the rest of the world will not be abused. SEVIS will strengthen our security through tighter enforcement of our immigration laws.

Thank you, and I would be happy to answer questions.

Mr. GEKAS. We thank the lady.

[The prepared statement of Ms. Sposato follows:]

PREPARED STATEMENT OF JANIS SPOSATO

Mr. Chairman and Members of the Committee, I am Janis Sposato, Assistant Deputy Executive Associate Commissioner for Immigration Services Division (ISD).

Thank you for the opportunity to update the Committee on the considerable progress the Immigration and Naturalization Service (INS) has made in implementing a new system that will greatly enhance our ability to track and monitor

foreign students and exchange program visitors, progress that leaves us confident that we will meet the congressionally mandated deadline for full implementation.

This Internet-based system, known as the Student and Exchange Visitor Information System (SEVIS), will maintain critical, up-to-date information about foreign students and exchange visitors, and their dependents, and will allow for electronic access to this information. As such, it will enable the INS to track students in the United States more accurately and more expeditiously.

INTRODUCTION AND BACKGROUND

The INS is exerting greater control over the institutions authorized to admit foreign students in F and M visa status. The INS believes that for this brand new SEVIS system, review of all schools is the best method to ensure the integrity of the SEVIS system. To facilitate the review of all INS-approved schools and to ensure the enrollment of all eligible schools in SEVIS in a timely manner, the INS has implemented a two-phased process for school review and SEVIS enrollment. Phase 1 was a preliminary enrollment period in which schools that have been INS-approved for at least the last three years to admit foreign students and are recognized as accredited or Title IV by the Department of Education were reviewed and granted access to SEVIS. Phase 2 will involve the certification of a school after a full review, including an on-site visit in many cases. For some schools, the on-site visit will verify their bona fides, but more importantly, the on-site visit will help ensure record-keeping and reporting compliance, as well as confirm that the schools are aware of their responsibilities. An interim rule that will explain the school certification process will be published in the near future.

The INS began accepting and reviewing school petitions for eligibility (Form I–17) in SEVIS as of July 1. As of September 11, 2002, there are 1,921 schools currently in various stages in the system. On July 15, 2002, the INS began enrolling and granting full SEVIS access to schools that submitted an electronic petition and that meet the preliminary enrollment criteria. That means that to date, 736 schools are currently issuing and updating student records electronically in SEVIS. Also to date, 595 schools have completed and submitted an electronic petition and are awaiting for school approval to use SEVIS. Another 590 schools have created and saved drafts of such petitions but have not yet submitted a completed petition for adjudication. The INS is processing the enrolled of other eligible schools. Upon approval, these schools will be able to access SEVIS to create and update student records.

SEVIS is part of an overall tightening of foreign student procedures and rules that INS is undertaking. Back in April, the INS published an interim rule that prohibits B nonimmigrant visitor visa holders from attending school prior to obtaining approval of a change to student status. Another proposed rule published in the Federal Register would, for example, prohibit aliens from changing from visitor status to student status unless they declared that intention at the time of visa issuance or admission to the United States. We are currently in the process of drafting that final rule.

Although the INS has improved many aspects of the overall foreign student program in the last months, the major focus of our efforts has been towards implementation of SEVIS. SEVIS enables schools and exchange visitor program sponsors to transmit electronic information and event notifications, via the Internet, to the INS and the Department of State (DOS) throughout a student's or exchange visitor's stay in the United States. Schools and exchange programs will update certain new information in SEVIS including, but not limited to, changes of address, program extensions, employment notifications, and changes in program of study. SEVIS will also provide system alerts and reports to the schools and exchange visitor program sponsors, as well as to INS and DOS offices.

HOW SEVIS WORKS

SEVIS, as a fully implemented system, will be an integrated system that incorporates information directly from schools, exchange programs, several INS systems, and the DOS. Before moving onto specifics about the progress made thus far, and the further development efforts already underway, I would like to give you an overview of the student process as it will work once SEVIS implementation is complete on January 30, 2003.

A prospective foreign student or exchange visitor first applies for admission to a school or acceptance by an exchange program sponsor. If accepted, the school or exchange program sponsor accesses SEVIS to input the data and to issue a Form I–20 or Form DS–2019. Therefore, at the time any Form I–20 or DS–2019 is printed, the information is entered into the SEVIS database. It is important to point out that

prospective student in M, F or J status may have applied to and been accepted by more than one U.S. institution and therefore may have more than one Form I–20 or DS–1019. After the foreign student or exchange visitor decides which school to attend, he or she will apply to a United States consulate or embassy to submit an application for a student or exchange visitor visa. During the visa screening process, the DOS officer will have access to SEVIS data to help verify the information and validate the Form I–20 or DS–1019. If the visa is approved, visa data is sent by the DOS to INS and Customs systems, and is updated in SEVIS. At the point of visa issuance, any Forms I–20 or DS–1019 that may have been issued to the foreign student by other schools become invalid and will be deactivated in SEVIS.

The foreign student or exchange visitor arrives at a United States Port-of-Entry. As the student or exchange visitor is inspected and admitted, the INS Port-of-Entry system will provide entry data to SEVIS, which will then be available to the school to notify them that a foreign student intending to attend their school is in the country and should be reporting for class. The student will then arrive at the school and register for class. Once the student has physically reported and enrolled, the school will report and update SEVIS, confirming arrival. If a foreign student fails to enroll, the student's SEVIS record will be terminated as out of status and notice will be provided to INS investigative and enforcement offices. If the student has properly enrolled, any changes in address, name, course of study, employment, transfers and other monitored events should be reported by the student to the school's responsible officer, who will update SEVIS. If the student decides to continue studies at a higher academic level, for instance, a progression from undergraduate to a master's program, tracking will continue in SEVIS. Once the foreign student graduates, completes his or her current program or any practical training, the foreign student should depart the United States and return to his or her home country or, in accordance with U.S. law, change to another immigration status. As you can see, we are moving with SEVIS toward a system that provides a more accurate and up-to-date picture of a foreign student's stay in the United States.

SEVIS CURRENT STATUS

The INS issued a proposed rule on May 16, 2002 to implement SEVIS and to address foreign student processes and procedures. This rule was open for a thirty-day comment period, which closed on June 17, 2002. Under the proposed rule, SEVIS participation by all schools enrolling foreign students will become mandatory by January 30, 2003. The INS completed its review and analysis of the 152 comments, and a final rule has been drafted and is in the clearance process.

We have finalized what is generally referred to as "batch" technical specifications, which provides an optional method for the schools to report large volumes of data, system-to-system. In 2001 and 2002, INS sponsored SEVIS technical conferences for vendors, designated school officials, school representatives, and the public. These conferences were supplemented by another public technical conference on June 13, 2002 in Washington, DC. Since that conference, upon the request of the American Council on Education (ACE), the INS delayed final posting of the batch technical details in order to meet with ACE and the Postsecondary Education Standards Council (PESC) for one last comment and review opportunity. In fact, we were able to incorporate some of their recommendations into the final version of the batch SEVIS Interface Control Document, which was posted for public availability on August 15, 2002. Batch functionality will be available for SEVIS schools to utilize this fall.

In addition to ACE, the INS interfaces regularly with NAFSA: Association of International Educators. In addition, the INS has met with other groups, including the American Association of Collegiate Registrars and Admissions Officers (AACRAO), the National Association of State Universities and Land-Grant Colleges (NASULGC), the National Association for Equal Opportunity in Higher Education (NAFEO), and the National Association of College and University Business Officers (NACUBO). For the last year INS had regularly scheduled SEVIS seminars across the country to provide the information necessary to schools and programs to begin implementation of SEVIS. With the publication of the proposed rule and the deployment of the system in July, INS transitioned from providing informational seminars to providing a SEVIS-dedicated, national call center with multiple tiers to answer technical and policy-related questions. Furthermore, SEVIS staff still frequently participate in conferences at national and regional level educational conferences. INS is also publishing its third issue of "SEVIS—Smart," a newsletter with updated information on the student and exchange visitor program. The newsletter, along with current policy memos, proposed regulations, frequently-asked-questions, and technical specifications are posted on the SEVIS public webpage (www.ins.gov/

graphics/services/tempbenefits/sevp.htm), all in an effort to provide the community with the most up-to-date and accurate information. The most recent effort toward outreach involves the production of a SEVIS training video that was taped during a live broadcast involving 108 community colleges in the California educational system. The tape will be transferred to DVD and will be available to educational organizations to be used for their own training needs.

We are confident that we will meet the January 1, 2003 date established by the USA PATRIOT Act for making SEVIS available. Our proposed rule, and our present plan, is to require schools to begin using SEVIS for all I–20s issued after January 30, 2003, and to require the enrollment of all continuing students by the start of the next academic term. In fact, we have deployed the initial operational version of SEVIS six months prior to the USA PATRIOT Act deadline. The INS will continue to enroll schools and is working aggressively to enhance SEVIS toward full implementation. The $36.8 million appropriation provided by the Congress in the Counter-Terrorism Supplemental has facilitated the development and implementation of the system.

CONTINUING EFFORTS TOWARDS FULL IMPLEMENTATION OF SEVIS

The INS is working toward enhancing our data share arrangement with the DOS Office of Consular Affairs in order to electronically provide SEVIS data for verification during the visa issuance process. INS and DOS currently have a Nonimmigrant Visa (NIV) Datashare arrangement, whereby DOS is sending all nonimmigrant visa issuance data to INS and Customs systems. SEVIS plans to extract data of all the F (academic), M (vocational), and J (exchange visitor) records from that existing arrangement.

The SEVIS program staff have been working closely with the INS Entry/Exit program staff in order to collect data, such as date and port of entry as mandated by the USA PATRIOT Act. SEVIS has been included in the functional requirements for phase 1 of a comprehensive entry/exit system. Phase 1 consists of the Visa Waiver Permanent Program Act (VWPPA) Support System, which leverages existing information technology systems, specifically the Advance Passenger Information System (APIS) and the Arrival Departure Information System (ADIS) to capture data electronically. This first phase of the entry/exit system will provide entry data on all F, M and J aliens to SEVIS at all air and sea Ports-of-Entry. For those Ports-of-Entry not yet included in the entry/exit system, we will have alternative processes to provide data to SEVIS and notice to the schools.

SIGNIFICANT EVENTS AFFECTING SEVIS

The strides that we have made and the plans for further development of SEVIS have been, in part, shaped by a number of recent events. I would like to note some of these events, to provide greater context for our achievements.

On October 29, 2001, the President directed the Secretary of State and the Attorney General, in conjunction with other relevant departments and agencies to develop a program to strengthen international student processes. The President reaffirmed the importance of tracking international students and exchange visitors, and called for the INS to conduct periodic reviews of institutions certified to enroll foreign students and exchange visitors to ensure school compliance with record-keeping and reporting requirements. The INS is implementing the President's guidance through the implementation of SEVIS, and the review and certification of schools during the SEVIS enrollment process.

On May 14, 2002, the Enhanced Border Security and Visa Entry Reform Act (Border Security Act) of 2002 was signed into law. In addition to addressing information collection, updates, and reporting elements, the Border Security Act requires schools to report the failure of a foreign student to enroll within 30 days after their registration deadline. The INS has established a toll-free, 1–800, number for schools to report a foreign student's failure to enroll, and once all schools are enrolled they will be able to report directly in SEVIS. The INS is also required by this legislation to review all schools every two years to ensure compliance with record-keeping and reporting requirements.

On May 20, 2002 the Department of Justice's Office of the Inspector General (IG) issued a report entitled "The Immigration and Naturalization Service's Contacts With Two September 11 Terrorists: A Review of the INS's Admissions of Mohammed Atta and Marwan Alshehhi, its Processing of their Change of Status Applications, and its Efforts to Track Foreign Students in the United States." Sections of this report identified deficiencies in the foreign student process and made recommendations, many of which were already being planned or implemented by the INS. The report also questioned INS' ability to meet the SEVIS implementation deadlines. As

I testify today, we believe we are on track to disprove the IG's finding. Further, through our timely implementation of SEVIS, the INS will have addressed many, if not all, of the concerns raised by the IG regarding student tracking.

CONCLUSION

Mr. Chairman, full implementation of SEVIS will revise and enhance the process by which foreign students and exchange visitors gain admission to the United States. The INS, through SEVIS, will increase its ability to track and monitor foreign students and exchange visitors in order to ensure that they arrive in the United States, show up and register at the school or exchange visitor program, and properly maintain their status during their stay as valued guests in this country. SEVIS better enables us to keep our eyes open for and track those who may come to America for the wrong reason, while extending a hand in friendship to those seeking the knowledge that this great country has to offer. Implementing SEVIS will allow our nation to strike the proper balance between openness to international students and exchange visitors and the security obtained by enforcing our nation's laws.

Mr. GEKAS. We would turn to Mr. Fine.

STATEMENT OF THE HONORABLE GLENN A. FINE, INSPECTOR GENERAL, UNITED STATES DEPARTMENT OF JUSTICE

Mr. FINE. Mr. Chairman and Members of the Subcommittee, thank you for inviting me to testify regarding the INS's implementation of SEVIS.

In a lengthy report we issued in May, 2002, the Office of the Inspector General examined several related issues: first, the INS's admissions into the country of two September 11 terrorists, Mohamed Atta and Marwan Alshehhi; second, the INS's delayed notification to a flight school in March, 2002, 6 months after the terrorist attacks of September 11, that the two men's change of status applications had been approved; and, third, the INS's monitoring and tracking of foreign students in general, including the INS's new system, SEVIS.

My statement today will address SEVIS, the third issue. It will discuss the clear benefits of SEVIS, the significant progress the INS has made in implementing SEVIS and the continuing concerns the OIG has about the timely implementation of SEVIS.

The INS's previous database for recording information about the status of foreign students in schools was antiquated, incomplete and riddled with inaccuracies. For example, of 1,200 schools we reviewed in the database we found that 86 were no longer in operation. Of the 114 schools still in operation, 40 had incorrect addresses and 16 had incorrect names.

Our report concluded that SEVIS will address many of the INS's problems in tracking foreign students. For example, schools will enter information about students directly into SEVIS; and the INS and schools will be able to identify more easily when a student's change of status has been approved, when a student entered the United States and whether the student is attending school.

Since we issued our report in May, the INS has made significant strides toward implementing SEVIS which I describe in more detail in my written statements. Yet, despite the substantial efforts made by the INS, we continue to believe that full implementation of SEVIS is unlikely by the deadline of January 30, 2003. Our ongoing concerns have more to do with issues such as the process of certifying school eligibility and the training of INS employees and

school officials in SEVIS rather than with SEVIS's technical implementation.

First, the INS intends to perform site visits of flight, vocational, language and other high-risk schools. But the longer the delay in beginning these site visits the less likely that the INS will be able to complete all of them by January 30.

We are also concerned about the INS's ability to adequately train and oversee the contractors who will be conducting the site visits. Because contractors will be under significant time constraints to complete the visits, we believe the INS needs to develop an oversight process that will insure the adequacy of these reviews.

Also, the INS has not agreed to devote full-time personnel in the INS districts to SEVIS. We are concerned without dedicating full-time personnel INS staff will not be able to devote adequate attention to their SEVIS duties when other priorities arise.

In addition, the INS must train its employees who will be monitoring, overseeing and using SEVIS. The INS held SEVIS training sessions and requested that each district office send a representative. But because the INS had not decided who in the district will be responsible for SEVIS, there is no assurance that the appropriate INS personnel attended those training sessions.

SEVIS training must also be provided to INS adjudicators, inspectors and investigators. Similarly, the INS needs to provide training on SEVIS to school representatives. Throughout the past year, the INS has held SEVIS demonstrations for school officials. However, these sessions were not necessarily attended by officials from smaller schools, including flight schools who are probably most in need of such training.

In sum, I want to make clear that we believe that SEVIS will significantly enhance the INS's ability to track foreign students in the United States. We also believe that the INS should be credited for making significant strides in implementing SEVIS. But while we believe that SEVIS will be operational by January 30, we question whether it will be fully implemented by that date.

For SEVIS to be fully implemented and for the program to succeed, we believe the INS must insure that all high-risk schools are certified through site visits by January 30; must dedicate sufficient resources to adequately training INS personnel and school officials; must insure that SEVIS is available at all ports of entry, service centers, district offices and consular posts; must insure that information from SEVIS is analyzed and used to identify noncompliant and fraudulent operations; and must follow up when the SEVIS data indicates fraud in the program.

We recognize that these will not be easy tasks, but we believe they are necessary for SEVIS to achieve its full potential in improving the INS foreign student program.

This concludes my prepared statement, and I would be happy to answer any questions.

Mr. GEKAS. We thank the gentleman.

[The prepared statement of Mr. Fine follows:]

PREPARED STATEMENT OF GLENN A. FINE

Mr. Chairman, Congresswoman Jackson Lee, and Members of the Subcommittee on Immigration, Border Security, and Claims:

I. INTRODUCTION

I appreciate the opportunity to appear before the Subcommittee on Immigration, Border Security, and Claims to discuss the Immigration and Naturalization Service's (INS) implementation of its system to monitor foreign students studying in the United States.

This morning, I will first discuss the findings from our May 2002 report entitled, "The Immigration and Naturalization Service's Contacts With Two September 11 Terrorists: A Review of the INS's Admissions of Mohamed Atta and Marwan Alshehhi, its Processing of their Change of Status Applications, and its Efforts to Track Foreign Students in the United States." Along with analyzing the INS's contacts with two September 11 terrorists and the INS's handling of their change-of-status forms, our report examined how the INS admits and monitors foreign students studying in the United States. The report also analyzed in detail the INS's new tracking system for foreign students, the Student and Exchange Visitor Information System (SEVIS).

My statement will discuss areas in which we believe the INS has made significant progress toward implementing SEVIS. It also will offer the Office of the Inspector General's (OIG) perspective about areas in which the INS needs to focus additional efforts to improve its implementation of SEVIS and its monitoring of foreign students.

In sum, our review of the INS's existing foreign student program found numerous deficiencies, including an antiquated, inadequate data collection and monitoring system. The INS's implementation of SEVIS will help solve some of the problems the INS has had tracking foreign students. SEVIS can reduce fraud in the program, improve data collection and analysis, and enhance the INS's enforcement capabilities. The INS has stated that it will fully implement SEVIS by January 30, 2003, and during the last several months it has expended significant efforts to achieve this goal.

However, while SEVIS will be technically operational by that date, we have concerns about whether the INS will be able to complete all the steps necessary to ensure full and proper implementation by January 30. Our concerns include whether the INS will assign and train sufficient numbers of dedicated staff to review and approve the schools' applications to access SEVIS, whether it will conduct sufficient and thorough site visits of schools applying to accept foreign students, whether it will adequately train school officials to use SEVIS, and whether it will train INS inspectors and investigators adequately to use SEVIS to detect fraud.

Before discussing these concerns, I will first summarize the findings from our report and the INS's progress in implementing SEVIS.

II. EVALUATION OF THE INS'S FOREIGN STUDENT PROGRAM

Our May 2002 report described why the INS mailed forms notifying a Florida flight school that two September 11 terrorists had received approval to change their immigration status from "visitors" to "students" six months after the terrorist attacks. The mailing of these forms raised questions about the INS's handling of change-of-status applications for Atta and Alshehhi and their three admissions into the United States in 2000 and 2001. It also raised serious concerns about the INS's monitoring and tracking of foreign students in the United States.

Our review found that the INS's adjudication of Atta's and Alshehhi's change-of-status applications and its notification to the flight school were untimely and significantly flawed. First, the INS took more than 10 months to adjudicate the two men's applications, which were submitted in September 2000. As a result, Atta's and Alshehhi's applications were not adjudicated until July and August 2001, respectively, well after they had finished their flight-training course at the Florida flight school. Second, the INS adjudicator who approved their applications did so without adequate information, including the fact that Atta and Alshehhi had left the country two times after filing their applications, which meant they had abandoned their request for a change of status. And third, even after the INS took 10 months to approve the applications, the notification forms were not sent to the Florida flight school for an additional 7 months, until March 2002, 6 months after the attacks of September 11. This additional 7-month delay occurred because the INS failed to adequately supervise a contractor who processed the documents.

As part of our review, the OIG evaluated the INS's processes for admitting foreign students and for certifying schools as eligible to receive foreign students. We also evaluated the INS tracking systems for foreign students—its prior paper-based system, and SEVIS, its new Internet-based system. I will now summarize the results of these aspects of our review.

A. Background on the Student Visa Process

The State Department is responsible for issuing student visas to foreign students who want to study in the United States. It is the responsibility of the INS, however, to determine which schools are entitled to accept foreign students, to inspect the documentation of persons arriving with student visas, to keep track of the entries and exits of foreign students, to know whether students are continuing to maintain their status once in this country, to facilitate the removal of students once their status ends, and to approve appropriate requests by aliens who are in the country through some other classification to acquire student status. Responsibility for each of these obligations is divided among several different offices, divisions, and branches within the INS, as well as among private contractors working with the INS.

Historically, the INS has not handled these responsibilities adequately and has acknowledged that it does not know how many foreign students are in the United States. In addition, the INS lacks accurate data about the schools that are authorized to issue I–20s (the INS form that contains identifying information about the school and the prospective student, including the course of study for which the student has been accepted and information about the student's financial resources). In addition, the INS lacks accurate data on individuals who obtain student visas, their current status, and whether fraud is being perpetuated in the foreign student program.

For example, an important component of the INS's foreign student program is the school certification process, which allows the INS to ensure that a school is legitimate and not simply an operation designed to assist foreigners to enter or remain in the country fraudulently. Yet, INS district offices assign the responsibility for approving and recertifying schools to adjudicators or inspectors only as a collateral, low priority duty accounting for a small percentage of their time. We found that these inspectors and adjudicators—called "schools officers"—do not review adequately the schools' applications for certification or recertification. In addition, the INS rarely conducts site visits of schools prior to or after certification and relies primarily on written representations from the schools.

In addition, INS investigators and adjudicators consistently reported to us that they believe that fraud with I–20 forms is prevalent. The current forms contain few security features and are relatively easy to counterfeit. Schools receive multiple blank forms, and many schools that are no longer approved to issue such forms still retain a supply of I–20s.

Moreover, the INS's current database for recording information about the status of foreign students and schools relies on information from paper forms that are supposed to be sent to the INS and uploaded into a database. But the information that is inputted into this database is incomplete, unreliable, and riddled with inaccuracies. For example, of 200 schools we reviewed from the database's list of active schools, we found that 86 appeared to no longer be in operation. Of the 114 schools still in operation, 40 had incorrect addresses and 16 had incorrect names. Two of the schools in the database were not even approved to issue I–20s and should never have been in the system.

B. Implementation of SEVIS

Our May 2002 review concluded that SEVIS will help solve many of the problems the INS has had in the past tracking foreign students. For example, SEVIS will improve the data collection on students and schools. Schools will no longer be required to fill out forms that must be mailed to the INS and then sent by the INS to a contractor for data entry. Instead, the schools will enter information about students directly into SEVIS or into their own computer systems that will then upload the data to SEVIS. Through SEVIS, the INS and schools also will be able to identify more easily when a student's change of status has been approved because the student's SEVIS record will be electronically updated by the INS service centers once processing is complete. In addition, SEVIS will eliminate the current manual process in which the paper I–20 is returned to the school after adjudication of the change-of-status form. Furthermore, the INS and schools will be able to determine easily through SEVIS when and where a student entered the United States.

SEVIS also should help the INS detect I–20 fraud by schools and students. Only INS-approved schools with access to SEVIS will be able to create I–20 forms for students. The INS will be able to decertify automatically schools that violate program requirements by invalidating the school's password, thereby preventing the schools from issuing I–20s. Since I–20s will be generated only through SEVIS, fraudulent or expired I–20s will be more difficult to use. In addition, any I–20s not used by the student can be invalidated automatically through SEVIS, preventing others from fraudulently using them. INS investigators also will be able to collect useful

information by analyzing SEVIS data, such as identifying schools that have significant numbers of students who have been admitted longer than typical degree programs require.

Yet, despite the improvements anticipated with SEVIS, we found problems in the INS's student program that implementation of the SEVIS computer system alone will not solve. We concluded that unless the INS devotes sufficient resources and effort to implement and use SEVIS effectively, many of its current problems in tracking and monitoring foreign students who come to the United States to attend school would continue to exist. First, the INS still must manually review and approve the applications of schools seeking certification or recertification to enroll foreign students. To properly certify, recertify, and monitor schools, we recommended that the INS assign full-time personnel to these tasks. Unless on-site visits are conducted and the INS follows up on questionable information submitted by schools, many current deficiencies will continue to exist.

We found that the INS did not have any formal, mandated training program for the officials at each school who have the responsibility for complying with INS record-keeping and reporting requirements, for monitoring violations of student requirements to the INS, and for notifying the INS of material changes in the schools' programs, accreditation, and level of education offered. While school associations provided some training, particularly for the larger public and private universities, the training was not geared toward smaller schools. INS officials told us that many school employees who deal with the foreign student program were inexperienced, untrained, and unaware of INS regulations.

For example, the designated school official at Huffman Aviation, the Florida flight school at which Atta and Alshehhi received flight training, told the OIG that she had only recently been assigned to the job and had received no training when she certified the men's change-of-status forms. As a result, she said she was unsure what to do with Atta and Alshehhi's I–20 forms and that either Atta or Alshehhi had directed her on the proper procedures for completing the forms.

Like the designated school officials, we found that INS personnel assigned to approve and monitor schools also had not been provided formal training. We learned that many employees are uncertain as to what they are supposed to be looking for when certifying schools. These INS employees also commented on the lack of clarity in the regulations and INS guidelines for the approval process. We recommended that the INS develop training programs for both INS schools officers and designated school officials.

While SEVIS should improve data collection, the data will be useful only if the INS monitors and analyzes the information and investigates instances of potential fraud. At the time we released our report, the INS had not determined who, if anyone, would perform these analyses. Enforcement to uncover school fraud historically has been a low priority at the INS, and investigative resources devoted to this issue have been limited. Although better information will be available to detect fraud, it was not clear to us if the INS will use this information any more fully than in the past.

In our report, we also raised concerns about the INS's ability to implement SEVIS fully by January 30, 2003, as required by statute. The INS indicated that it intended to recertify all of the approximately 70,000 schools currently authorized to issue I–20s.

Our report offered 24 recommendations to help address the problems that the Atta and Alshehhi cases highlighted and that our review of the INS foreign student program revealed.

III. ASSESSING THE CURRENT STATUS OF SEVIS IMPLEMENTATION

A. INS Progress

In late July, the INS formally responded to the 24 recommendations contained in our report. Since that time, the INS has continued to make significant strides toward implementing SEVIS. In this section, I highlight some of the positive steps the INS has taken to improve its efforts to monitor foreign students studying in the United States.

1. School Certifications

The INS is making substantial efforts to meet the school certification deadline. On July 1, 2002, the INS published its first certification rule, which permitted schools meeting certain requirements to enroll preliminarily in SEVIS. These schools will not require site visits prior to certification. This category consists of what the INS considers "lower-risk" schools, such as public schools and accredited colleges and universities. Schools in the low-risk category must be accredited by an

organization recognized by the Department of Education and must have been approved by the INS for the past three years to accept foreign students. For purposes of this rule, the INS determined that flight schools should not be considered low risk.

We believe that this approach is a reasonable strategy as long as the INS independently verifies the schools' accreditation. During our May 2002 review, we found that 9 of 114 active schools sampled were not accredited, despite such claims on their applications.

The INS plans to publish a second certification rule that will cover schools that do not fall into the first category. The schools in this latter category will require site visits prior to approval.

2. Foreign Student Program Manager

The INS concurred with our recommendation to appoint a foreign student program manager to coordinate, and be accountable for, immigration issues affecting foreign students. At the time of our review, the foreign student program was handled by many different INS offices, resulting in inconsistent policies, lack of accountability for the program, and a failure to carefully and systematically consider the impact of any changes on the program. The INS responded to our report by centralizing responsibility for its foreign student program with the INS Executive Associate Commissioner for Field Operations and assigning a senior field manager to lead the program.

3. Site Visits

The INS is planning to conduct site visits of all schools enrolled in SEVIS. While lower risk schools are being allowed to preliminarily enroll in SEVIS without an initial site visit, the INS plans to visit each of these schools within the next two years. For the higher risk schools, the INS is making site visits a prerequisite for enrollment in SEVIS. This approach is an important step because it helps prevent fraudulent schools from obtaining access to SEVIS.

4. Periodic Recertifications

The INS plans to require schools to undergo recertifications every two years. During our review, we found that a primary reason for the inaccuracies in the INS's schools database was the lack of such periodic recertifications. As a result, the INS was not aware of schools that had closed and, consequently, it continued to maintain these schools on its active database. We also noted during our review that the INS's last school recertification—conducted in 1983—identified numerous instances of fraud. For example, one school that was not approved by the INS was accepting foreign students using the code from a defunct school. We believe periodic recertifications are critical to ensuring the accuracy of SEVIS records.

B. The OIG's Continuing Concerns

Despite the substantial efforts made by the INS, we continue to believe that full implementation of SEVIS is unlikely by January 30, 2003, based on the amount of work that remains to be accomplished. By full implementation, we mean that schools will be recertified and inspectors, adjudicators, consular officers, INS officials, and designated school officials will be trained on how to use SEVIS and what to do in the event the system is not functioning. Our ongoing concerns have more to do with the process of certifying school eligibility, training, and the INS's dedication of adequate resources to the effort rather than with SEVIS's technical implementation. I will now discuss several of our continuing concerns.

1. School Certifications

While the INS has made significant strides with respect to school certifications, it has not yet published its rule pertaining to certification of flight, vocational, language, and other "higher-risk" schools, all of which will need site visits prior to certification. The INS intends to have contract investigators using INS-developed checklists perform these site visits. Although the INS has issued a contract solicitation to hire the investigators, site visits cannot begin until the INS publishes the rule. The longer the delay in publishing this rule, the less likely the INS will be able to complete all of the necessary school certifications by the January 30, 2003, deadline.

The draft INS rule that we reviewed also requires schools to submit an application at least 75 days prior to the January 30 SEVIS implementation date to provide the INS sufficient time to conduct a site visit so that schools will be able to issue I–20s on an uninterrupted basis. It strikes us as unlikely that the INS will be able to sufficiently review and approve all of the anticipated applications within this short time frame. However, because the INS believes it will meet the January 2003

deadline, it did not agree with our recommendation to prepare an alternative plan in the event schools are not recertified by the deadline.

In order to monitor the INS's progress on this issue, we have asked the INS for additional details on its approach, including: (1) information on how the INS intends to fund the contract investigators; (2) alternative plans for funding the contract investigators or otherwise performing the on-site reviews in the event the Office of Management and Budget does not approve the imposition of an investigations fee on the schools; (3) details on who within the INS will be responsible for approving the certification applications and for monitoring the contract investigators; (4) details on any quality control reviews to be done by the INS of the site visits conducted by the contract investigators; and (5) a timeline showing target dates for completing the certification process.

2. Audits

In our May 2002 report, the OIG recommended that the INS ensure that audits are conducted of certified schools to determine whether proper internal controls are in place and whether SEVIS data is being entered completely, accurately, and timely. The INS concurred with this recommendation and informed the OIG that the primary mechanism for conducting these audits would be on-site visits by the contract investigators. The INS also said that it would identify the need for additional audits through its analytical reviews of the activities of approved schools.

We reviewed the draft checklist developed by the INS for use by the contract investigators and noted that for each school the INS plans to provide the names of five students for the investigator to verify while on site. (The checklist offers no details on how this verification is to be accomplished.) In our opinion, review of five files per school may not be sufficient; rather, a better sample might be based on a specified percentage of foreign students enrolled in each school.

Further, we are concerned with the INS's response to this recommendation because it is unclear whether the contract investigators who will conduct the site visits will be qualified to perform an audit that involves an assessment of internal controls and a sampling of records. The Department of Education already requires schools participating in federal student financial aid programs to obtain independent financial and compliance audits. We believe the most effective way for the INS to ensure that SEVIS audits are performed would be to coordinate with the Department of Education to incorporate SEVIS reviews into its audits. While this suggestion should encompass the majority of schools, the INS still would need to ensure that the remaining schools were audited.

3. Oversight of Contract Investigators

We are concerned about the INS's ability to adequately train and oversee the contract investigators, a necessity in order to ensure consistent school reviews. According to a draft of the second certification rule, the INS expects contract investigators to collect documentation in support of the school's application during each site visit, tour the campus, interview school officials, and review selected school records for compliance with SEVIS regulations.

Because contract investigators will be under time constraints to complete the visits, we believe the INS needs to develop a monitoring and oversight process that will ensure the thoroughness of investigators' reviews. Given the time constraints, the INS needs to ensure that thoroughness of the contractors' site visits rather than speed remains the top priority. The INS did not provide us with details on its plans for monitoring the contract investigators in its response to our recommendations.

4. INS Personnel Dedicated to Schools Program

In its response to the OIG's May 2002 report, the INS stated that it has not yet determined who at INS district offices would review and approve the schools' applications for enrollment in SEVIS. The INS stated that, contrary to our recommendation, INS personnel would not be dedicated to this task on a full-time basis. Rather, the INS said that this responsibility would be the "primary duty" of these INS employees, and full-time if warranted.

At the four INS district offices we visited during our May 2002 review, we found that the designated school officials were spending only 20 percent or less of their time on certifying and monitoring schools. Frequently, those individuals worked on other duties when backlogs occurred, such as processing other INS applications. As a result, we found delays in processing school applications. In addition, we found that the schools officers reviewed applications in a perfunctory manner and did no follow-up monitoring to ensure that the schools continued to meet program requirements.

Moreover, the INS must train the INS personnel who will be responsible for SEVIS duties. The INS convened a SEVIS training session in June and requested

that each district office send a representative. However, because the INS had not decided specifically who in the district offices will be certifying and approving schools, there is no assurance that the appropriate INS personnel attended the June training session. Furthermore, our report noted the importance of providing SEVIS training not only to adjudicators, but also to INS inspectors and investigators. INS inspectors at the ports of entry need to be familiar with SEVIS in order to counter attempts by individuals to enter the United States fraudulently posing as students. In addition, SEVIS data will be useful to INS investigators to help identify fraud. We are not aware that any such training has been provided to these groups.

5. Training for Designated School Officials

The INS has not implemented any formal training on SEVIS for Designated School Officials (DSOs), the officials responsible for representing schools in all matters related to foreign students. DSOs determine students' academic and financial eligibility, ensure compliance with INS record keeping and reporting requirements, monitor student activities and report violations, notify the INS of material changes in students' programs, and certify whether students are eligible to receive certain immigration benefits, such as employment. Only the individuals designated by the school as DSOs will be provided password access to SEVIS.

Throughout the past year, the INS has held a number of SEVIS demonstrations for school officials, and various school associations have provided training for their members. However, these training sessions were not mandatory and were not necessarily attended by DSOs from smaller schools (including flight schools) who are probably most in need of such training. During our May 2002 review, the INS had discussed developing a certification program that would require potential DSOs to complete an on line training module prior to allowing them access to SEVIS. We are unaware of the status of this proposal.

6. Capturing Information about Part-Time Students

The law, as it currently stands, allows foreign visitors to attend classes in the United States on a part-time basis without having to obtain student visas. The INS does not currently collect information about these students or otherwise monitor them, and it does not plan to collect this information once SEVIS is fully implemented. Schools that offer courses on a part-time basis will not be included in SEVIS, unless they also have full-time programs to enroll foreign students. These include flight schools and trucking schools, which often do not provide the minimum number of course hours per week that would place the school under the INS's monitoring system for full-time students.

To increase the INS's effectiveness in collecting information on foreign students, the OIG recommended that the INS consider monitoring part-time students in SEVIS. While we recognize that collecting information about every visitor who enrolls in a class or a short course of study would impose a significant burden on the INS, we believe the INS should take steps to determine what information should be collected about these students and schools.

The INS did not concur with this recommendation. The INS responded that it is working with the Department of State and Congress to draft legislation to allow part-time students from Canada and Mexico to study in the United States under a new "F" nonimmigrant category. These students would then be included in SEVIS. However, the INS stated that it does not have the capability or the resources to track every nonimmigrant alien in the United States who enrolls in a limited course of study or individual course.

7. Detecting Fraud

Our May 2002 report discussed the need for the INS to analyze the data from SEVIS and investigate instances of potential fraud. While an improved computer system will enhance the information available to the INS, it will be useful only in the detection of fraud if the INS devotes resources to monitoring the information and investigating instances of potential fraud.

For example, the data in SEVIS could be analyzed to compare the capacity of the school program and the number of students accepted or enrolled in the program. Past fraud investigations have identified schools that were accepting hundreds of students beyond the actual capacity of the school. The data could be used to compare the length of the course and the actual length of students' enrollment. A review of F–1 programs in one state identified numerous cases where schools were reporting students being in active status for as long as seven years beyond the normal course of study. A review of schools with extremely high percentages of no-shows or program dropouts could indicate a potential alien smuggling operation.

The INS agreed with our recommendation, but provided no details on how or when this would be accomplished.

Finally, SEVIS must be available throughout the INS for it to be useful. During our review, the INS discussed the plans to connect ports of entry, consular posts, INS Service Centers, and INS district offices to SEVIS. We have requested a copy of the INS's timetable for connecting these locations to SEVIS, but to date have not received further information on the status of these efforts. For the purpose of detecting fraud, it is extremely important that consular officers and INS primary inspectors, in particular, have the ability to access SEVIS in order to determine whether an I–20 is bona fide.

IV. CONCLUSION

We believe that SEVIS will significantly enhance the INS's ability to monitor foreign students in the United States and improve its ability to prevent and detect fraud. We also believe that the INS should be credited for making significant strides in implementing SEVIS.

However, although we believe that SEVIS will be operational by January 30, 2003, we question whether it will be implemented fully by that date. For SEVIS to be fully implemented, and for the program to succeed, the INS must dedicate sufficient resources to ensure that INS personnel and school officials are adequately trained, that schools are certified by January 30, that schools are required to undergo routine recertification reviews that will include thorough site visits, that SEVIS data is analyzed to identify noncompliant and fraudulent operations, and that the INS swiftly enforces the law when it identifies fraud. These will be difficult tasks, but we believe they are necessary for SEVIS to achieve its full potential in improving the INS's foreign student program.

This concludes my prepared statement. I would be pleased to answer any questions.

Mr. GEKAS. We turn to Ms. Cotten.

STATEMENT OF CATHERYN D. COTTEN, DIRECTOR OF THE INTERNATIONAL OFFICE, DUKE UNIVERSITY/DUKE UNIVERSITY MEDICAL CENTER/DUKE UNIVERSITY HEALTH SYSTEM

Ms. COTTEN. Mr. Chairman and Members of the Subcommittee, I appreciate the opportunity to be here as a representative school.

We are one of the user schools of SEVIS. My institution, Duke University, has over 2,200 internationals—students, scholars, professors and so on—and we host hundreds of others a year in collaborations and so on. We started to work with the 21 pilot schools and with immigration in 1997/98 to build the CIPRIS/SEVIS system, and we believe that that has been one of the more positive relationships that the schools have had with the Immigration Service in terms of cooperative work.

Mr. GEKAS. Is the microphone turned on? Oh, okay.

Ms. COTTEN. Is this better?

—in terms of cooperative work.

We are the only school in the Nation to have ever used a batch system to transmit data, and we came into the CIPRIS system a year late because it took us about that long to organize batch transmission. So while we are delighted to know that the batch will be available for testing soon, we are also concerned when the quality of the data that can be moved in that system and the way it will be moved. We know from experience that that is a trial-and-error situation, but there is a great deal of work to be done in that regard.

In July, we became the first school in the Nation to create a student document in the national SEVIS system. We had, of course, been creating hundreds before that in the pilot program. We did most of this work in SEVIS—all of this work is SEVIS has been done manually.

I must echo Mr. Fine's statements regarding the difference between having the SEVIS system fully available to schools and having the schools that are already recognized by the Department of State as a fairly automatic admission to SEVIS and looking carefully at the high-risk schools. That is quite a different thing from having all of the data from all of the schools, nearly a million records placed into the system by January. That simply cannot be done.

I don't believe that the batch system will be sufficiently operational to do that for all of the schools. We won't have the testing time or the programming time. And if you look at it in terms of individual data entry manually, at a school like Duke with, say, 2,000 people, we figure half an hour per person to do the data entry. That is a thousand hours. Normal 40 hour work week, that is one person doing nothing all day, every day but this work for 6 months. The limited number of DSOs, designated school officials, that is five. Immigration has not been willing to give us more than that, and so we can only have five people working on that project. That means that to put those 6 months spread out over those five people we are looking at closing down our office for about a month just to do the data entry if we have to do it manually. So we are concerned about that.

In addition, as Mr. Fine indicated, we are concerned about the level of exchange and information as we mount this system into a national level. We are working with the help desks, and I can—let me tell you a couple of stories which might be illustrative.

When we first started the SEVIS part of this project, which for the pilot schools was in January/February of this past year, the I–20, which is the document lower right over here that we were attempting to create, specifies all of the information about the student—name, date and place of birth, field of study and so on. It tells the consular officer and the immigration officer what that student will be doing in the U.S. .

The very first version of SEVIS, which was a version one, could not print Ph.D. On that form. Well, we in the pilot schools were accustomed to working with the sort of shakedown process, but for the first couple of months we could not issue this document to many of the students coming to Duke because they were graduate students coming into Ph.D. Programs. We had no way to represent that on the form. That has certainly been changed as we have moved into the national system. But that is an example of the kinds of things we will find as we go through the next year while attempting to move information from those million records into this database.

And in terms of how the database functions, it really is built—to Immigration's credit, they built it to do a lot of self-checking and editing, so that the system prevents errors that might be made in terms of whether someone is eligible for a particular process or benefit. However, in doing that, they created a system that is very difficult to use at times, and sometimes we cannot put accurate information into the system.

The computer expects precision, and the consular officer, the immigration office, the students' school officers are expected to use their judgment and their discretion and to place an accurate set of

data onto these forms. An example of that that we have discovered recently at Duke is that we admitted a student who we later discovered had given us fraudulent documents. We had already issued a SEVIS I–20 to that student. We made an effort to then cancel that I–20 on the assumption that we did not want this person to come into the country, as we had revoked his admission. The current SEVIS system will not permit us to cancel that I–20.

When we called the help desk the response was, well, you need to wait until 30 days after they are supposed to report for school *and then report them as having failed to attend.* This means that for 3 or 4 months we had a document that we knew was for a student that should not be in the country, and we had no way to terminate that document.

Again, Immigration is working on those kinds of problems, and we in the pilot schools and the SEVIS test schools are bringing this to their attention, and this has been a fairly cooperative activity. But it does illustrate that there is much work to be done. I believe that the schools need at least a year to move this process, from January 2003, to January 2004, in order to work through all of the various kinds of representations we need to make into the software and to do that accurately. Because if we push to put the data in, regardless of whether the data is accurate, I think that does a disservice to all of us.

Thank you.

[The prepared statement of Ms. Cotten follows:]

PREPARED STATEMENT OF CATHERYN COTTEN

House Committee on the Judiciary
Subcommittee on Immigration, Border Security, and Claims
"Oversight Hearing on the INS's Implementation
of the Foreign Student Tracking Program."
18 September 2002 at 10:00 a.m.
Rayburn House Office Building

Testimony offered by Catheryn Cotten
Director, International Office
Duke University, Medical Center, and Health System

We are submitting this statement in outline format, as that seems the most efficient way to represent a somewhat complex and sometimes convoluted topic. We will be pleased to discuss any issue further.

At the end of this document we have provided a guide to abbreviations used.

I. Duke Information
   A. Institutional Information.
      1. An internationally recognized university and academic medical center offering undergraduate, graduate, and professional degrees, and other specialized degrees and certificates.
      2. An internationally recognized research facility conducting research in such diverse areas as biblical archeology, lemur biology and habitat, bioengineering, and medical research.
      3. One of the nation's premier medical centers and hospitals providing superior medical care and ongoing bench and clinical research on new drugs, therapies, and procedures.
      4. Academic base and employer to over 1200 international students and over 1,000 international professors, researchers, area specialists, and employees.
      5. Host for hundreds of international seminars, meetings, conferences, and collaborations every year.
      6. For more detailed information on Duke go to http://www.duke.edu/. For more detailed information on international students and scholars and visa issues go to http://www.international.duke.edu/.
   B. Duke's INS/CIPRIS/SEVIS experience.
      1. Authorized by INS to operate an F-1 student program since 1954.
      2. Authorized by the Department of State to operate a J-1 Exchange Visitor program since 1950.
      3. One of the 21 pilot schools that cooperated with INS to develop the electronic data management system initially know as CIPRIS.
      4. Only school in the nation to have developed, tested, and *used* a batch system to transmit student data to CIPRIS.
      5. First school in the nation to create a student document in the national SEVIS system.

6. Currently an active user of SEVIS with over 400 files in that database and over a thousand files in the earlier CIPRIS database, which INS has not yet converted to SEVIS.

II. An INS/Duke/SEVIS time line. Dates are approximate.
   A. 1994-1995. INS forms a task force on electronic data reporting on students, and in 1995 IIRAIRA mandates electronic reporting.
   B. 1996-1997. INS begins to implement recommendations of the task force and seeks volunteer schools in the Altanta, GA, INS jurisdiction. Duke applies for and is accepted as one of the 21 pilot schools that will help design and develop the new system. Duke sought participation in the pilot program because we believed that it was essential that INS have information from and experience with a major university with a complex structure and an internationally active student, faculty, and staff community.
   C. 1997. INS launches the CIPRIS pilot program, the precursor to SEVIS. All of the pilot schools except Duke begin issuing F visa and J visa documents out of CIPRIS. Duke delays use of CIPRIS to begin working with INS to design and test batch submission. Duke is a larger school with its own database pertaining to internationals. It could not reasonably double-key into its own database and into CIPRIS. The need for batch at Duke provided an opportunity for INS to explore batch processing while it developed CIPRIS.
   D. 1998, Spring. Duke begins issuing documents in CIPRIS using batch transmissions and real time submissions.
   E. 1998-2001. INS and pilot schools refine CIPRIS. INS brings additional beta test schools into the system. INS builds SEVIS, a system intended to be more robust, to replace CIPRIS for nationwide service.
   F. 2002, January/February. INS converts all F and M CIPRIS records to SEVIS, and all pilot and beta schools begin using SEVIS.
   G. 2002, January through July. Schools report serious data management problems with SEVIS. INS re-evaluates and restructures SEVIS.
   H. 2002, July. INS launches new national SEVIS.
   I. 2002, July. INS and Duke, via conference call, walk through the process of bringing a school online in SEVIS. Successful logon. Duke becomes the first school in the nation to issue a student document out of the national SEVIS system. INS brings all pilot and beta schools online soon after. Most schools begin reporting bugs in the system and notify INS and the Help Desk. INS responds to and corrects immediate major problems, and begins compiling a list of other problems to be solved.
   J. 2002, July/August. INS begins approving schools nationwide or SEVIS use through the electronic certification system.
   K. 2002, July/August/September. Schools continue to report bugs, "features," and general difficulties to the Help Desk. INS solves some critical problems immediately. Schools are advised that other problems will be resolved for the next release of SEVIS in October 2002.

III. Current status and concerns

A. INS ability to admit all schools to SEVIS by 30 January 2003

1. The login process is working, though some schools are waiting more than a month for access to SEVIS. We believe that INS can have an electronic mechanism in place to bring all *schools* online and connect them to SEVIS by 30 January 2003. INS can thus achieve the mandatory *schools* compliance date. Schools cannot possibly have all of their data entered into the system by that date (see item B below).
2. Only about 10% of INS approved schools have active F or M programs. INS reports that of the 75,000 schools listed as approved by INS, only 7,000 to 8,000 have issued F-1 or M-1 documents in the last three years - a manageable number to connect to SEVIS in the next four months.
3. INS has not yet brought the J visa programs online in SEVIS. The J program will require a separate login even if a school operates both an F/M visa and a J visa program. The J program adds about a thousand more logins to the INS task.

B. Inability of schools to enter all student data by 30 January 2003.

1. The surest and most accurate way to enter student data is to allow schools a calendar year, until 30 January 2004, to cycle all of its students and scholars through one annual academic calendar. In this way, every file can be reviewed, verified, and entered in a logical, methodical, and accurate way.
2. INS has not given schools the time or tools to do massive data entry in only a few months.
3. INS published a proposed rule for F/M visa SEVIS implementation in May 2002, and an interim final rule on school certification in July 2002. It has not yet published a final version of either of these rules. Schools can only guess at what will finally be required of them and when.
4. INS/DOS has not yet published even a proposed rule for J visa SEVIS implementation. The final rule could be many months away, again leaving schools to speculate on what will be required of them. The J program has 12 different categories of Exchange Visitors, including professors, researchers, short term scholars, trainees, au pairs, physician trainees, and so on. In comparison the F/M program has the single category of "student." Implementation of the J program in SEVIS will be at least 12 times more complicated than for the F/M program. Considering the bugs in the current SEVIS F/M program, we have no expectation that the J program will be completely usable or accurate when it comes online. We expect a long, difficult, and complicated shake down of that system.
5. Each school will have to enter dozens, hundreds, or thousands of records to convert to SEVIS. This cannot be done manually by 30 January. We estimate that reviewing, compiling, and keying in each file will take 30 minutes. If a school like Duke has to enter 2,000 records, that is 1,000 hours of time. Based on a 40-hour work week that is one person doing this work all day every day for six months. Despite repeated requests from the

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educational community over the last decade, INS will not permit schools to have more than 5 DSOs. That means that only five people at each school have authorization to do data submission in SEVIS. At best, a school like Duke would have to shut down all International Office services for a month to get this done. Although INS has authorized designation of five ASOs for each school to provide clerical help, our experience has shown that SEVIS's administrative programming limitations makes the ASO position nearly useless.

6. The batch submission system will not be available until October 2002 at the earliest. While INS has had several versions of batch specifications available on its web site for over a year, it only posted what we are not told is the final, reliable version in August 2002. We are concerned that INS has indicated no plan to provide a test platform for the batch system. It appears that schools will have to "go live" with real data on an untested system.
7. Schools are exceedingly concerned about being asked to enter a million records into a database in a matter of a few months using either manual entry or a batch system that is untested and unproven. Schools want to be sure to enter accurate data on their students and scholars so as to provide the information the government needs for security purposes and to ensure that students and scholars are not misidentified or misjudged due to bad data.
8. Hasty and forced mandatory record entry on a million files will result in a data base that is so full of errors as to be unreliable and unusable. Manual data entry, regardless of how careful the typist is, produces a high error rate. Batch submission using a new and untested transmission protocol can put millions of pieces of bad and unretrievable data into a database very quickly.
9. A one-year transition is not only the most reasonable approach for schools, but it also provides the most accurate data for national security purposes.

C. Irresistible force meets immovable object. The rigid SEVIS system in an historically discretionary government environment.

1. SEVIS is a computer system. It thinks like a computer, not like a person. It expects order, clarity, consistency, and precision. INS has, to its credit, attempted to build a system that prevents errors, calculates options and eligibility for benefits based on the regulations, collects data that the law enforcement and security community needs, and allows the schools to enter data in a logical way. In this effort it has also created sequential requirements and edit checks that cannot accommodate the real world, and that make accurate data entry difficult and frustrating.
2. DOS Consular Officers and INS Immigration Officers are trained to question, examine, and use their powers of observation to assess a situation. They are given broad discretion to make decisions regarding the granting of visas, the admission of aliens into the U.S., and the granting of immigration benefits after aliens arrive. They do what seems logical and

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lawful in a given circumstance.

3. DSOs and ROs at schools are required by law and regulation to interpret situations to judge whether a particular activity is in keeping with the aims and goals of the visa status and to reflect that determination in reports to INS and DOS.
4. The synthesizing of information, decision making, and operation of discretion required of consular, immigration, and schools officers does not and cannot follow the lock step pattern that the current version of SEVIS expects.
5. One must ask the question of whether the software is organizing data to serve the user or is forcing the user to alter data to accommodate the software. In our experience the immigration officer developers of SEVIS want accurate data, even if it is complicated, while the programmer developers generally tend toward altering the facts to fit the fields unless firmly and continually redirected by INS and the schools.
6. No matter how careful we all are in doing our jobs, the initial transition to SEVIS will create confusion and difficulties for consular officers, INS officers, schools, students, and scholars. We need to move through this process expeditiously, but with care and deliberation to ensure that SEVIS serves our security needs in every venue.

IV. Future - short term concerns and recommendations

A. INS needs to establish SEVIS Help Desk assistance in all U.S. time zones for at least 12 hours per day. The Help Desk staff must be trained and knowledgeable both in the F, M, and J regulations and in how to represent students and scholar in SEVIS under those regulations. The two skills and knowledge bases must be integrated. Experience has shown us that, when isolated from each other, they provide conflicting and confusing advise that can lead to serious difficulties. The Help Desk has been very responsive, for the most part, but it is severely limited by the level of training and knowledge base of its people.

B. INS needs quick and accessible e-mail communication among qualified INS/SEVIS experts, the schools, consular posts, ports of entry, and immigration offices. Note the key element, "qualified INS/SEVIS experts.

C. SEVIS has bugs. INS and the schools must continue to work closely to iron out the new relationship between the need to put precise data in the database and the realities of how hundreds of different consular posts, ports of entry, immigration offices, and schools will acquire and interpret information.

D. All of us need the next year to use, refine, and revise hardware, software, and business processes. Taking the time to do it right will pay off by providing accurate and useful data, which is the real mission if this data is to be useful for national security purposes.

V. Future - long term concerns and recommendations

A. Congress and the representative agencies must commit to long-term support

for ongoing development and updating of SEVIS.

B. Launching a national system, bringing all schools, consular posts, ports of entry, and immigration offices on line, and entering all records is only the beginning of an endless responsibility of recordkeeping, reporting, and responding to what we learn.

C. All parties using SEVIS will identify new needs to make reports and to manage and extract information. Congress will want updates, ports and posts will want enhancements, schools will want statistics, the security community will want different algorithms run on data broken down in different ways. Something as simple as whether a birth date goes in as a single field of 09/18/2002 or as three fields of month (09), day (18), and year (2002) requires thought, reprogramming, and relearning. Should pick lists replace text fields on data element X? Should first, middle, and more names be entered as a single line, as the concept of middle name is by no means universal and searching a single line of text for "John" or "Richard" or "David" would find any one of those names regardless of whether it were "John Richard David" or "David John Richard" or any other combination thereof? These are exceedingly simply examples of how this database must accommodate global variety and changing needs.

D. The successful launch and implementation of SEVIS should offer a platform for F/M/J management that abandons the concept of having all parties do busy work for its own sake, or of subjecting bona fide schools and their representatives to needless and resource depleting reviews. Recent events have shown that neither INS nor DOS can handle the avalanche of paper and data, and the human resource expense such busy work produces. SEVIS should embrace the new technologies that allow data to be collected at the source in the most efficient and least intrusive way and then subjects that data to "red flagging," searches for text strings, algorithm analysis, and indicators of patterns of practice or participation. And INS and other agencies should implement the interoperable databases mandated by Congress, rather than having the same or similar data entered from multiple sources.

VI. Closing

A. Forcing mandatory dates and deadlines for the sake of a sound bite, without consideration as to whether those deadlines are achievable and the data is accurate does a disservice to the country.

B. Consistent, hard, and careful work is more difficult to sustain, but historically, such work has brought this country its greatest rewards.

C. INS, indeed all government agencies, and the schools must commit to ongoing cooperative work to protect the tremendous educational, cultural, economic, and political benefits that international education brings to the U.S., while protecting the U.S. from those who would pose as what they are not in order to do us harm.

GUIDE TO ABBREVIATIONS

ARO Alternate Responsible Officer, authorized to issue visa documents for the J Exchange Visitor Program (see also RO).
ASO Assistant School Official (also ADSO in some publications), authorized to produce draft documents online in SEVIS, but not authorized to submit data or produce visa documents (see also DSO).
CIPRIS Coordinated Interagency Partnership Regulating International Students and Scholars, the pilot development version of SEVIS.
DOS Department of State.
DSO Designated School Official, authorized to issue visa documents for the F and M student programs (see also ASO).
INS Immigration and Naturalization Service.
IIRAIRA Illegal Immigration Reform and Immigrant Responsibility Act.
RO Responsible Officer, authorized to issue visa documents for the J Exchange Visitor Program (see also ARO), and to conduct all business with the DOS in regard to the operation of the program.
SEVIS Student and Exchange Visitor Information System, the electronic data management system developed for use with the F, M, and J visa categories.

Mr. GEKAS. Mr. Hartle.

Oh, before that, let the record indicate that the lady from California, a Member of the Committee, Ms. Lofgren, is in attendance.

Proceed.

STATEMENT OF TERRY W. HARTLE, SENIOR VICE PRESIDENT, GOVERNMENT AND PUBLIC AFFAIRS, AMERICAN COUNCIL ON EDUCATION

Mr. HARTLE. Thank you very much, Mr. Chairman. I greatly appreciate the opportunity to be here.

I testify this morning not simply on behalf of the American Council on Education but on behalf of the 75 other organizations that are listed at the back of my testimony. Taken together, these institutions and organizations represent virtually every institution

of postsecondary education and every exchange visitor program in the country, all of whom will be affected by SEVIS.

We think SEVIS is vitally important. We think SEVIS is the single most important thing that the Federal Government can do to improve the ability to track international students and exchange visitors. But the benefits of SEVIS will extend far beyond tracking students and exchange visitors. For example, the Social Security Administration is already making plans to use SEVIS to verify information that is submitted to it by people whose visas allow them to work in the United States.

So we support SEVIS. We would like to see it implemented as soon as possible. We would agree with what has been said before, that we think the INS has done a pretty good job implementing SEVIS since Congress mandated it last December, that it be in place by this coming January.

They have made progress more rapidly than we thought possible a year ago. They have consulted us. They have attended professional meetings where they could talk to some of the folks on campus who will do this, and sometimes they have even taken our advice about how to simplify the system.

All colleges and universities and exchange visitor programs know that SEVIS is coming. They understand the seriousness of implementing it promptly and properly. We have communicated developments to them, and we know that they are the central users. They are the people who have to make the system work on campus.

Many schools and exchange visitor programs are hiring staff. They are working overtime, and they are upgrading IT systems to prepare for SEVIS implementation.

But while we think INS has done a good job and we are ready and willing and indeed we are anxious to do our part, we are deeply worried about how much remains to be done in a rapidly shrinking period of time before schools must be fully compliant.

Let me mention to you some of the specific things that are not yet clear to us with respect to SEVIS.

The regulations governing SEVIS and international students, these are the F and M visas, have not been published in final form and are not expected to be published in final form until sometime later this fall.

The regulations governing SEVIS and exchange visitors, J visas, have not been published in draft form.

The draft regulations have been under review at the Office of Management and Budget for more than 100 days. Given this delay, we think it unlikely that we will have final regulations until after we are expected to be in compliance.

The regulations detailing what schools must do to become recertified to issue I–20's have also not been published, reportedly because of concerns over whether or not site visits are necessary. Traditional colleges and universities will not be substantially affected by this. Many other educational institutions will be.

INS has not determined yet how many campus officials called designated school officials will be permitted to process or enter data into SEVIS. As Catheryn Cotten has indicated, this is a very serious concern.

Batch processing, a key element of schools with—or exchange programs with more than 200 students or visitors will not be ready for full operational testing until sometime later this fall. The step they have announced today, while welcome, is a preliminary step.

Schools have hundreds of technical questions and have had very uneven success getting help from the INS help desk. To give the idea what—the Committee an idea what these questions are like, I will submit a series of questions of the sort that people like Catheryn are calling the help desk with.

The amount—the fee that students must pay to be registered in the SEVIS system and the procedures for collecting the fee remain unsettled.

INS has no meaningful plans for training campus officials and has ignored our repeated suggestions that we hold regional briefing sessions for campus officials that we would organize and pay for. We believe that giving local officials—who come from both the IT and the international education areas—a chance to ask questions directly to INS would help inform campus and exchange visitor programs and smooth implementation.

As I indicated, we believe SEVIS is vitally important. We have a strong commitment to implementing SEVIS as soon as possible. But to actually implement it, we have to have all the tools and regulatory guidance that we need, and we must have them in a timely manner. Right now, we find ourselves in the position of a homeowner who wants to install a new furnace but who lacks an instruction manual, needs tools that are not yet available and doesn't even have all the parts that the manufacturer promised to provide. This is not a prescription for smooth implementation on campus.

The INS mentioned to the Subcommittee this morning that the toughest part is behind us. I would respectfully disagree. For colleges, universities and exchange visitor programs, the toughest part is just ahead of us.

Thank you for giving me the opportunity to be here.

Mr. GEKAS. Thank you very much.

[The prepared statement of Mr. Hartle follows:]

PREPARED STATEMENT OF TERRY W. HARTLE

Mr. Chairman, my name is Terry W. Hartle and I am a senior vice president of the American Council on Education. My organization represents 2,000 public and private colleges and universities. I am testifying today on behalf of those institutions as well as the 70 education and exchange visitor organizations listed below.

We believe that international students and exchange visitor programs are enormously beneficial to this country. They dramatically increase the knowledge and skills of our workforce. They boost worldwide appreciation for democracy and market-based economics and give future world leaders first-hand exposure to America and Americans. At the same time, international education generates billions of dollars in economic activity every year.

The most important benefits of international students and exchange visitors cannot be easily quantified. But we know what they are. Start with international understanding. In the current economic climate, we need more and better efforts to enhance international understanding. One of the best ways to do this is through the everyday classroom discussions that one finds on college and university campuses. Candid discussion enhances familiarity—and familiarity leads to understanding. When foreign students and exchange visitors return home, they take with them a first-hand understanding of this country and its values. Indeed, some of America's strongest supporters abroad are those who have spent time in this country.

International students and visitors also bring knowledge and skills to U.S. classrooms, laboratories and businesses. The sum total of their intellectual contributions

is enormous. For example, the rapid developments in information technology that helped fuel the economic growth of the 1990s benefited immeasurably from foreign students and scholars from Southeast Asia who visited this country in the late 1980s. In the same vein, a central feature of the advances in biomedical research that will pave the way for gains in the quality and length of life in the future are collaborative efforts between native and foreign-born researchers now taking place in thousands of American laboratories.

International students add diversity to college classrooms. For many native-born students, foreign students offer the first chance for a sustained friendship with someone born in another country. As the world grows ever smaller, meaningful exposure to international students will better prepare American students to live and compete in the global economy.

This does not mean that the economic benefits are trivial. According to the Institute for International Education, the nearly 550,000 foreign students who visit this country purchase some $11 billion a year in goods and services. They do this when they pay tuition, rent an apartment, buy a pair of jeans, get a pizza, or go to a movie. Of course, like everyone else, international students and exchange visitors pay taxes on the goods and services they purchase. If they are allowed to work when they are here, they also pay federal and state income tax.

According to the U.S. Commerce Department, higher education is the nation's fifth largest service-sector export. In an era when many policy makers and economists worry about our huge trade deficit, international students helps reduce it.

These economic calculations do not include the 275,000 exchange visitors who come to our shores every year. Adding them would dramatically increase the economic impact that local communities realize from international visitors.

In short, the benefits of international students are unambiguous and overwhelming. So it is not surprising that President Bush has said: "The United States benefits greatly from international students who study in our country." Or that he has committed his Administration to "continue to foster and support international students."

Secretary of State Colin Powell—no stranger to what is in America's international interests—says that international education "encourages and sustains democratic practices, creates a cohort of future leaders who understand each other's countries from the inside, and promotes long-term linkages between institutions here and abroad." The list of foreign heads of state that have studied at an American college is long and distinguished. The State Department has concluded that fully one-half of the world leaders who agreed to support our war on terrorism first came to this country as a foreign student or exchange visitor.

This does not mean that we can or should be comfortable with current procedures that govern international students and exchange visitors. The events of September 11th changed much in this country. Many of the policies and practices that had evolved over the last two decades have been the subject of careful examination and sustained discussion—the process by which international students and exchange visitors enter the country and are monitored once they have arrived is no exception.

For as long as colleges and universities and exchange visitors programs have been sponsoring international students and exchange visitors, we have collected and maintained information about those individuals. As required by law, this information has been transmitted to the Immigration and Naturalization Service (INS) and the Department of State. It has always been a paper-intensive effort to maintain this data. For example, a copy of each new visa eligibility document (an I–20 or IAP–66/DS–2019) goes to these agencies upon admission of a student or exchange visitor, and all applications that would result in a change of status or reinstatement of a student-visitor are approved by the appropriate agency.

We used to prepare annual reports as well. The annual report on international students was, as required by regulation, shared with INS. In 1988, however, the agency was drowning under mounds of reports that they could not use or process and INS instructed colleges to maintain the information on campus for the agency's use when it needed or wanted information. We continue to do this, and an average university has dozens of file cabinets full of information on international students.

In the mid 1990s, INS began to develop an electronic system that would allow the information on these students to be shared instantly. For a variety of reasons, implementation of this system lagged behind schedule. However, in light of the September 11th attacks, Congress mandated that INS implement the system, now known as the Student and Exchange Visitor Information System (SEVIS) and appropriated $36 million to make this possible.

SEVIS is an extraordinarily large and complex information technology system. When fully operational, it will link all U.S. embassies and consulates, all INS ports of entry in this country, the State Department's Office of Exchange Coordination

and Designation and the Bureau of Educational and Cultural Affairs, every institution of higher education that sponsors international students, and every exchange visitor program.

Let me be clear about the higher education and exchange visitor community's position: we support the prompt implementation of SEVIS. We believe this is the single most important step the federal government can take to improve the monitoring of international students and exchange visitors. In addition, SEVIS will perform other important functions. It will, for example, enable the Social Security Administration (SSA) to verify critical information on foreign visitors who apply for a Social Security number. The process currently used by SSA to issue numbers is slow and paper-intensive, and it will benefit everyone—most of all international students and exchange visitors—to be able to do this more rapidly. SEVIS will make that possible.

In the last year, INS has made great progress in implementing SEVIS. The agency has assigned dedicated staff to the project and consulted regularly with us throughout the process. They solicited our advice and, in several areas, modified the system to incorporate concrete suggestions that we made. INS is an easy agency to criticize, but they deserve a great deal of credit for the progress they have made in developing and refining this enormously complex undertaking.

But there is much that remains to be done before SEVIS will be operational. And it is the completion of these unfinished tasks that will determine whether the ultimate implementation of SEVIS goes smoothly, as we hope, or is instead characterized by chaos and confusion—as we fear.

By January 30, 2003, INS currently expects all institutions who are allowed to issue I–20s (somewhere between 7,500 and 74,000, nobody knows for sure), and all exchange visitor programs who issue IAP–66/DS–2019s (roughly 1,500), to enter data into SEVIS for all new students and exchange visitors and for any visa holders who request a change of visa status.

Colleges, universities, and exchange visitor programs will make all possible efforts to implement SEVIS by this deadline. Additional staff has already been hired and existing staff is working overtime. A flotilla of software vendors is rushing to prepare information technology packages for schools and exchange visitor programs to purchase.

But despite the progress that INS has made and our own commitment and desire to see SEVIS functioning as soon as possible, we are deeply concerned that schools and exchange visitor programs will face enormous difficulties when compliance is required.

We are worried because, at this point, with roughly 125 days to go, schools and exchange visitor programs have very little information to enable us to implement this new system on campus. Government policies work best when those who must administer them know exactly what is required and have at least a modest amount of time to prepare. With respect to SEVIS, we do not yet know what will be required and the amount of time we have to get ready is evaporating.

For example:

- The regulations governing SEVIS and international students ("F" and "M") visas have not been published in final form and are not expected until mid-October at the earliest.
- The regulations governing SEVIS and exchange visitors ("J" visas) have not even been published in draft form. The draft regulations have been under review at the Office of Management and Budget (OMB) for more than 100 days. Given this delay, we are unlikely to have final "J" regulations until after we are expected to be in compliance.
- The regulations detailing what schools must do to become "recertified" to issue I–20s have also not been published—reportedly because of concerns over whether site-visits are necessary. If schools have not been recertified, INS will have no certainty that the institutions issuing I–20s are legitimate educational institutions even after SEVIS begins operation.
- INS has not yet determined how many campus officials—called Designated School Officials or DSOs—will be permitted to process or enter data into SEVIS. Because of the added workload created by SEVIS, campuses—especially those with a large number of international students—will need more DSOs.
- "Batch processing," a key element of SEVIS for schools or exchange programs with more than 200 students or visitors, will not be ready for operational testing until mid-October at the earliest.

- Schools have hundreds of technical operational questions and have had very uneven success in getting answers from the INS help desk. To give the Committee an idea of what these questions look like, I have appended them to this testimony and have sent a letter to the INS asking for help in getting them answered.
- The amount of the fee that students must pay to be registered in the SEVIS system and the procedure for collecting the fee remain unsettled.
- INS has no meaningful plans for training and has ignored our repeated requests that they hold regional briefing sessions for campus officials that we would organize and pay for. We believe that giving local officials—who come from both information technology and international education—a chance to ask questions directly to INS would help inform campus and exchange visitor programs and would smooth implementation.
- Adding to the complexity, the State Department, as required by the Enhanced Border Security and Visa Entry Reform Act, has put a temporary system in place to monitor international students and exchange visitors on a preliminary basis. Known as the Interim Student and Exchange Authentication System (ISEAS), this is, in essence, a pre-SEVIS electronic tracking system with somewhat different requirements than we expect to face under SEVIS.

Again, I underscore that INS has done a commendable job of developing the SEVIS computer system and that we fully support efforts to implement SEVIS as soon as possible. Unfortunately, many questions remain unanswered and technical issues must be resolved. In some cases, we are waiting for INS to act and in other cases, the delay is attributable to other agencies. This is not an effort to criticize or assign blame because SEVIS is exceptionally complicated and the government's desire to "get it right" is commendable. But these delays dramatically reduce the amount of time that institutions and exchange visitor programs will have to implement SEVIS.

An analogy might best summarize our concern: we are afraid that this is a public policy version of musical chairs—and when the music stops and the compliance date arrives—colleges, universities and exchange visitor programs will all be left without a seat.

While a significant amount of information will be entered in SEVIS this February, the first dramatic influx of data is likely to occur in March and April when exchange sponsors begin processing the applications of roughly 100,000 individuals who come to the U.S. annually as camp counselors and summer workers in the travel and tourism industry. The sectors of the economy that rely on these individuals—resorts, amusement parks, national parks, and summer camps—depend on these workers. Unfortunately, the regulations to govern these individuals have not yet been published even in draft form.

As I noted above, colleges and universities will do all we can to implement SEVIS by the compliance date. However, we are deeply concerned that efforts to implement SEVIS without adequately preparing campus officials and exchange visitor programs will make it harder to admit international students and exchange visitors to enter the country, and that this will reduce the enormous benefits that the United States has historically enjoyed from welcoming visitors to our shores.

We strongly encourage the INS, the State Department, and the other government agencies to take the necessary steps to ensure that colleges and exchange visitor programs can implement SEVIS successfully. Rather than forcing the implementation of SEVIS into an unachievable schedule, we encourage INS to rely on the State Department's ISEAS system. The multi-million dollar ISEAS system means that the federal government currently has a fully operational electronic student and exchange visitor monitoring system in place and we believe this system could be used for the small number of additional months it will take to complete the preparatory work on SEVIS.

Mr. Chairman, America's colleges and exchange visitor programs are anxious to see SEVIS implemented but we cannot do our part well or effectively until we know exactly what is expected of us. Right now, we do not. We hope that INS and the other government agencies will fill in the blanks as soon as possible.

I appreciate the opportunity to be with you and would be happy to take questions. Thank you.

On behalf of:

Academy for Educational Development
AIFS, Inc.
Alliance for International Educational and Cultural Exchange
American Association for Higher Education

American Association of Colleges of Nursing
American Association of Colleges of Osteopathic Medicine
American Association of Colleges of Pharmacy
American Association of Collegiate Registrars and Admissions Officers
American Association of Community Colleges
American Association of Presidents of Independent Colleges and Universities
American College Personnel Association
American Council on Education
American Councils for International Education: ACTR/ACCELS
American Dental Education Association
American Institute for Foreign Study Foundation
American Institute for Practical Training
American Society for Engineering Education
American-Scandinavian Foundation
Amity International
Associated Colleges of the Midwest
Association of American Colleges and Universities
Association of American Medical Colleges
Association of American Universities
Association of American Veterinary Medical Colleges
Association of Catholic Colleges and Universities
Association of Chiropractic Colleges
Association of Independent Colleges of Art & Design
Association of International Education Administrators
Association of Jesuit Colleges and Universities
Association of Southern Baptist Colleges and Schools
British Universities North America Club
Coalition of Higher Education Assistance Organizations
Consortium of Universities of the Washington Metropolitan Area
Consortium on Government Relations for Student Affairs
Council for Advancement and Support of Education
Council for Christian Colleges & Universities
Council for Higher Education Accreditation
Council for International Programs USA
Council for Opportunity in Education
Council of Directors of Title VI National Resource Centers for Foreign Language and Area Studies
Council of Graduate Schools
Council of Independent Colleges
Council on International Educational Exchange
Educational Testing Service
Educational Testing Service
EDUCAUSE
Evangelical Lutheran Church in America
Hispanic Association of Colleges & Universities
Institute of International Education
InterExchange
International Exchange of North America
Lutheran Educational Conference of North America
NAFSA: Association of International Educators
National Association for College Admission Counseling
National Association for Equal Opportunity in Higher Education
National Association of College and University Business Officers
National Association of Graduate-Professional Students
National Association of Independent Colleges and Universities
National Association of Schools and Colleges of The United Methodist Church
National Association of State Universities and Land-Grant Colleges
National Association of Student Financial Aid Administrators
National Association of Student Personnel Administrators
National Council for International Visitors
National Council of Organizations of Less Commonly Taught Languages
Teachers of English to Speakers of Other Languages, Inc.
The College Board
United States Student Association
University Continuing Education Association
World Education Services
YMCA International Program Services

Mr. GEKAS. The Chair will grant itself 5 minutes for a round of questioning.

I get the distinct impression from the witnesses that we will not be prepared for full implementation of SEVIS by the mandated deadline of January 2003. Mr. Fine, let me ask you, the doubts that you have asserted here, have you transmitted those to the Commissioner?

Mr. FINE. Yes, we have. We received a response from the INS to our May, 2000, report; and last week we responded to them with our continuing concerns. We noted the concerns in our report and we noted the concerns in our response to their reply to our report as well.

Mr. GEKAS. Miss Sposato, we noticed that Mr. Hartle was very pessimistic about being able to even receive the final publication of regulations to move on to the next step. What do you have to say about that?

Ms. SPOSATO. Well, as the Chairman knows, the regulation process is a long one. INS did issue the F and M regs, which are the main implementing regs for SEVIS, in May. We received many comments. We have taken many of those comments to heart, and we are prepared, as we speak, to begin moving forward our final reg in the clearance process, which is the reason that Mr. Hartle predicts—and I think he is probably right—that later this fall the final reg will be issued.

The proposed reg is certainly a very good, clean road map for what the INS plans to do. We—there will be some changes between proposed and final, but that is not generally a dramatic switch in policy or position.

So while it is true that the final reg is not published, and nobody would like to see it published more promptly than me, it is also true, though, that the road map is out there in the proposed reg. The J regs are a matter between the Department of State and the Office of Management and Budget; and, again, no one would like to see that published more promptly than I would.

Mr. GEKAS. Mr. Hartle, does the proposed reg give you enough information to be able to tell this Committee that if the final publication mimics or matches the proposed regulation that we would be ready—you would be ready to comply by 2003?

Mr. HARTLE. No, sir, I am afraid not; and it is very uncomfortable for any organization or business to depend on preliminary regulations to plan for implementing new Government policies. We like to know exactly what we are required to do, not sort of what we have to do.

Mr. GEKAS. You are bearing the brunt of all this, Ms. Sposato. Duke University, which is a pilot program, seems to indicate that it will not be fully ready by 2003.

Ms. SPOSATO. Well, let me respond to one part of that—and I appreciate that you recognize that we are getting the brunt of it, although I appreciate that my colleagues were fair about recognizing the progress we have made.

Our proposed reg said that schools would have to be enrolled in SEVIS and issue all new I–20's, these forms here, for new students starting on January 1—on June 30, 2003. Duke is expressing a concern about what happens to all the continuing students—not the

new students, but the continuing students. What the proposed reg said is that continuing students did not have to be entered on January 30 but that the school could take the time between that and their next full academic term to enter those other students.

Now that would not be as long as Ms. Cotten is requesting. She is requesting a full year, and it would—how long that period is would depend on how long the school's academic terms were. Could be as long as until the following September. That is one aspect of the rule that we will look at.

But there are—there is a balance to be struck here, because Congress wanted and people concerned about national security want the system not only up but they want it used and used as fully as possible as soon as possible. So what INS has tried to do is strike a balance between meeting the desire to have this system up, running, functioning and used as promptly as possible and giving the schools a reasonable amount of time to enter their data. Because besides wanting to be fair and reasonable to them, we want them to enter the data properly, and if they are scrunched too much they will just throw in messy data, and then we will start a system with a mess on our hands.

So there is a balance to be struck here, and we have tried to strike it. It won't make everyone perfectly happy.

Mr. GEKAS. If the system has not been fully implemented by the deadline of January 2003, are you asserting that it is being used or it is being implemented or in the process of being implemented will be adequate for our purposes, that is, that the tracking system will be more than adequate?

Ms. SPOSATO. I am not sure I am following the question.

Mr. GEKAS. What I am asking is this. You say now you are backtracking a little bit and giving us reasons to believe that it will not be fully implemented by January of 2003. What I am asking is, if it is only 70 percent active or 65 percent fully implemented, will that be valuable enough to continue pressing for full implementation with a shorter distance of time after January as possible?

Ms. SPOSATO. I think that fully implemented is a definitional issue. When INS says that it will be fully implemented, we mean that the system will be up, running and available to all schools; and we will have that by January 1. By January 30, we will require all schools to use SEVIS for their new students. And sometime before the start of their next semester schools will be required to use SEVIS for all their students. So the implementation of SEVIS is phased, but we will have it up and available on January 1.

And the Inspector General is using a third definition of fully implemented to include the full panoply of training and compliance monitoring that we plan to do. And all of that—the full amount of training that we plan will not be completed by January 1 because we intend to do some of that over the spring.

Mr. GEKAS. The time that the Chair has allotted to the Chair has expired.

We now recognize the presence of the Ranking Member of the minority, Ms. Jackson Lee of Texas; and we will accord her the privilege of entering a statement into the record or offering an

opening statement. Then we will turn to others for asking questions and get back to Ms. Lee for the questions. Is that fair?

Ms. JACKSON LEE. That would be fair, because I would be happy to yield to Congresswoman Lofgren.

I will just make some brief comments, and we will add my comments when I ask questions as well.

First, Mr. Chairman, to say that this is an important hearing and, of course, we are facing new and different times. As I have queried the academic institutions around the Nation, all of them recognize the high calling of cultural exchange and educational exchange and the importance of the presence of foreign students who truly come here to learn. At the same time, they recognize that most egregious actions took place before September 11, particularly, I might say, with institutions that were not of the quality of Duke University and other institutions of higher learning. So we must be cognizant that our academic institutions I think have been very diligent.

I am not attempting to be condescending, but I do believe there is a distinction between those schools purely for profit. Anyone who would accept $25,000 in cash to train someone to be an airplane pilot who didn't land—there are a lot more problems than tracking the student who was there. There is judgment, conspicuousness of detriment to the Nation, and I think all of these vocational schools have learned a lesson and others.

So I hope as we listen to the testimony—and I apologize for my delay. I was in a meeting on Iraq. As you well know, we have bifurcated responsibilities here. But, Mr. Chairman, I thank you for this hearing. I will be listening attentively to the questions and will look forward to the opportunity for my questions.

Ms. JACKSON LEE. I ask unanimous consent to submit my opening statement into the record.

Mr. GEKAS. Without objection.

Mr. FLAKE. The gentleman from Arizona is recognized for 5 minutes for questioning.

Mr. FLAKE. Thank you, Mr. Chairman. I appreciate the testimony. The certification process, it seems that that is cumbersome, a big challenge with the resources that you have. Why wouldn't it be proper simply to rely on certification, elsewhere, some other academic, north central, whatever certification that is already out there.

Is this being done to some extent or is—why is it necessary to go for a site visit?

Ms. SPOSATO. It is being done. To some extent the schools that are enrolled in SEVIS today at this moment have been what we call preliminarily enrolled, and that has been on the basis of a prior certification by an organization accredited by the Department of Education.

We do believe it is important to make a site visit to every school, but we are trying to stage things. We are allowing the accredited schools in first, we will site visit everybody else, and then we plan to go back and site visit the accredited schools.

The reason we wanted to make these site visits, there is a couple of reasons. One is to ensure that the school is bonafide, but that is not really truly something that you need to do with an accredited

school, you have that information elsewhere. But we also want the site visit to be used as a way of assuring us and training the school. We want to be assured that the school—and not all of the schools are Duke University as we all know.

We want to ensure that the school has the proper records, has this wherewithal to be entering the data into the system, because this is a system that relies very heavily on the school entering the primary data about the individual.

And we want to visit the school. We want to check their recordkeeping, their past recordkeeping; if they have been enrolled in our system before, and most of them have been. We also want to use that visit as an opportunity to answer questions and work with the designated school official to ensure that they have what they need to have to do the job right.

So we do believe it is important to visit every school, but we do plan to leapfrog it with higher risk schools or schools we know less about than Duke in those site visits first.

Mr. FLAKE. Mr. Fine, you mentioned under the previous system, your check of 200 schools turned up some 86 or some that weren't at that correct address or were fraudulent in some ways. When these are discovered, that these are not bonafide schools, they aren't accredited in anyway, are those being reported to other agencies of Government or the Department of Justice sometimes for criminal investigation?

Mr. FINE. No. I don't believe that they have been. The reason they are being discovered now is because we went out and looked at them. I don't think the INS has done a recertification prior to this since 1983. So it was not discovered. And there were some schools on their list on their database that just simply didn't exist or had moved or had closed down and should not have still been on the list to approve foreign students attending.

I don't believe that there has been a significant effort to uncover fraud, and to refer those fraudulent schools for further investigation. There has been some effort, I can't deny that. But it clearly has not been a priority up to now.

Mr. FLAKE. Are you comfortable under the new system that we are going to have better records, that this—I mean, under 200 schools, 86 having a problem, 12 having another and 11 having another problem. Are we going in the right direction fast enough?

Mr. FINE. I think we are going in the right direction, if the INS does as Ms. Sposato said, does site visits and prioritizing the higher and then the lower risk schools. But I also agree that there does need to be these site visits, do they exist, but also their compliance with the regulations.

Mr. FLAKE. Ms. Cotten mentioned that it takes 3 or 4 months to cancel a student out. That would seem to be completely unacceptable. Has that been rectified?

Ms. SPOSATO. We have a release of the software. One of the reasons we have been implementing this software early and working with select schools early where as to get out these kind of bugs before major implementation occurs. And this particular bug is scheduled for correction in the release that will be released on October 1st.

Mr. FLAKE. Okay. You mentioned you have a call center. That is one method to make sure that schools are brought up to date, people can get information. How many calls do you get at the call center on a daily basis?

Ms. SPOSATO. I didn't bring that number with me. I would be glad to follow it up. The call center is staffed a lot more heavily today than it needs to be, because we are anticipating a big influx of schools over the fall period.

So, whatever it is today, and I will send that information to you, it will be much larger over the next 6 months.

Mr. FLAKE. Thank you.

Mr. GEKAS. The Chair recognizes the lady from California for a round of questioning for 5 minutes.

Ms. LOFGREN. Thank you, Mr. Chairman. I think this is an important hearing. And I think it is worth noting that there is no one who is suggesting that we shouldn't proceed with this system. The question is, are we ready for prime time yet or not? And what steps do we need to take to make this work and actually produce a level of information? I would say also safety for the Nation, and I do have some concern that we are not quite ready yet.

One of the issues, and I, like my colleagues, have been talking to schools and universities to try and understand how this is working when the rubber meets with road out in schools. That is, we haven't had a plan for testing the batch process, yet it is my understanding.

And there is a great concern. For example, Stanford University has over 5,000 foreign students they are going to have to batch process. They are working like crazy to get ready. But there has been no testing of this system. Are we going to have testing yet?

Ms. SPOSATO. Yes. Testing of the batch will begin on Monday. And I have brought handouts for the schools. And if people look on our Web site, either today or tomorrow, the Web site will have this information as well. But the testing site will be available as of Monday.

Ms. LOFGREN. Well, I hope that that is being communicated, because I got an e-mail from the guy in charge of it at Stanford on Sunday. He was unaware of that. So, hopefully we will let the universities know this.

I have a question also relative to the so-called Dirty 7 Countries. And let me preface this, because I think there are differences between what I will call the fly-by-night-U, that might be of terrible concern to the country, the flight schools that are accepting cash to teach people to fly but not land planes versus MIT, Harvard, Stanford, where the brightest students from all over the world are trying to go to study engineering or medicine or whatever.

Relating to the seven countries of concern, we have, at all of those, the finest institutions in the Nation, the best minds from these countries that are trying to go to the MITs or to Harvard or to Stanford, and the way we are dealing with their visas really, and I think in the end will preclude them from doing so. For example, I recently met with some engineering graduate students, people pursuing their Ph.D. In electrical engineering. These are eight students who are the smartest people in their country. And they

are being sought by all of the universities in the world, by the British universities.

And they will not go home when they are finished with their Ph.D., they will also be sought by companies in Europe and all over. I mean, there is nothing for them to do in the primitive country that they are from. If you cannot go to a conference, if you can't go home to see an ailing parent, that takes 6 months to reenter, how do you study and be a graduate student in engineering at one of the finest institutions?

And so the question that I have are we doing anything to help these students comply? One of the suggestions made to me is why don't we investigate—what one student said, investigate me every day. You know, put a tail on me, tap my phone, I—you know, I have got nothing to hide. But if you could preclear me so I don't have to wait for 6 months to come back in, that would be very helpful. Have we thought about doing something like that?

Ms. SPOSATO. Congresswoman, the visa process is a State Department process. And so I am not sure whether your question goes to the State Department process, which I really can't speak to that well, or to SEVIS. SEVIS will only expedite things that will make things easier, and SEVIS is not a system that is designed to focus on handling people differently by nation of birth or——

Ms. LOFGREN. Let me ask you a technical question on SEVIS. One of the questions raised to me by a university person is if you have—for example, you have got a student that has a major and two or three minors. There is no way apparently to enter two minors, or you may have at some of the larger and more prestigious universities, a student might take 18 or 19 units in the fall quarter, and maybe 17 in the winter quarter, but only 11 in the spring quarter because they are going to do some practical, you know, volunteer work for which they do not get credit.

It is my understanding that they would therefore not be a student in the spring quarter, even though Harvard or Stanford or Yale might consider them a full-time student. Have we done anything to deal with that? Is there any flexibility for the finest institutions to run their own programs?

Ms. SPOSATO. Well, I believe the law requires that students be full-time. And the system is designed to allow for some diminution of credits for some reasons, and schools can enter that. But, if a student—if someone comes here as a student and then does not continue as a full-time student, their status does——

Ms. LOFGREN. That is not the question I asked. You have a full-time student who, maybe over the course of a year has, you know, 50 or 60 units even, which is more than full-time, but in one quarter might be doing some independent reading for which they are not getting credit, but the university is satisfied with their progress.

Do we have any way to say, okay, this is not the fly-by-night-U, this is Harvard or Stanford or MIT, they know what they are doing?

Ms. SPOSATO. The INS has not distinguished among types of schools in that way. We do distinguish between technical schools and academic schools, where the rules are slightly different. It is not a problem that has really been brought up to me before. It does

present some issues because, if you are here to be a full-time student and you sort of double up in the first semester and then don't attend at all in the second semester, it does leave behind a question of whether you are a student.

Ms. LOFGREN. That is not the question I am asking, however.

Ms. SPOSATO. Okay. Then I am not following it.

Ms. LOFGREN. Obviously not.

Mr. GEKAS. The time of the lady has expired. We will now turn to the lady from Pennsylvania for a round of questioning for 5 minutes.

Ms. HART. Thank you, Mr. Chairman.

I have a question for Ms. Sposato as well. In May of 2002, the Chairman of the Judiciary—in a letter to the Chairman of the Judiciary Committee, the Justice Department stated that, "the INS anticipates that SEVIS will deter fraud in the foreign student program through the use of encrypted bar codes that will be embedded in the system in the full eligibility document that they will generate." .

I have a couple of questions about the bar code. First, how is it used to defer fraud? And I am concerned about the use of the bar code and the types of readers that they will need to verify the authenticity of the bar codes on the I–20 forms presented by foreign visitors.

And also, shouldn't INS inspectors have bar code readers at ports to check the I–20 documents? If they do, great. But, do the schools also have those as they admit foreign students?

Could you basically, for me, discuss the use of the bar codes?

Ms. SPOSATO. Let me see if I can walk through the process so you can see where the bar code comes into it. Student applies to a school, and the school enters the information on those first three charts, the blue charts. It is the information about the student.

As a result of that, the school may present for the student the I–20 with the bar code, which is the black and white thing on the bottom which contains the information that has been entered in the system on the blue sheets.

So the I–20 is a document really that the school creates, not one that the school would really use. SEVIS was developed as a system to—it is—I like to look at it sort of like electronic ticketing. It is a paperless system. It should work on its own without the paper.

When you go to an airport you may have a paper itinerary, but what really matters is what is in the airline system, that says that you have got a ticket and you paid for it and whatever the airline system says.

The fact that you have an itinerary in your hand that you printed is really not the significant source of the data. The source of the data is the system itself. And that is the way that SEVIS is designed.

Now, there may be situations where it certainly is helpful and convenient and comfortable for a student to be able to carry that I–20. It certainly can help a consular officer find the data in the system about that particular student, because it is all printed out on that form. But, it is what is in the system that counts, not the paper I–20.

Now, on the reading of the bar code, the bar code makes that piece of paper more secure. But, remember I told you the security of that paper is not really the key here. But, the way the bar code makes the paper more secure is that the bar code has encrypted into it information about the student, information that comes from that I–20 form.

So it makes it difficult to take that form, change the name or change the age on it, because if somebody were to read the bar code, they would see the correct information, or the encoded information. So you couldn't—it would be hard to have a paper I–20 that was false that had a bar code that could be read.

If you are following so far.

Ms. HART. Half way. I don't understand how you have gotten from an I–20—which will not have a bar code?

Ms. SPOSATO. No. The I–20 will print with a bar code.

Ms. HART. You said that the school is producing the bar code.

Ms. SPOSATO. Yes. The school is producing the I–20 from our SEVIS system. The school will enter the information in our SEVIS system from those blue sheets, and then they will push, if they choose to, a print option that will print an I–20 for them. When it is printed it will have that bar code on it.

Ms. HART. Okay.

Ms. SPOSATO. Which will include bar coded information from the form.

Ms. HART. So they won't get a bar code?

Ms. SPOSATO. Everyone will.

Ms. HART. At the time they don't get a bar code, they don't get a bar code until they——

Ms. SPOSATO. No. Let's say a student applies to three schools, Mt. Holyoke, Columbia and Harvard.

They are not going to three schools, but they apply because they don't know where they will get in, et cetera. When they decide where they will go to school, and we will say they are choosing to go to Columbia, they will go to a consulate and ask for a visa. When they go to the consulate to ask for the visa, they will have three I–20 forms. The one from Mt. Holyoke, one from Columbia and one from Harvard. When they get to the consulate, they will declare which school they are going to.

The consular officer will look in the system to see is this really a student who has received an I–20 from Columbia? If they have, they will—and if other things are correct, they will issue a visa to that student to go to Columbia. They will enter in the system that Mt. Holyoke and Harvard are no longer that valid I–20's. That is part of the reason that we have to emphasize, go to the system, don't go to the paper.

Ms. HART. Okay.

Ms. SPOSATO. Now, staff has raised with us, wouldn't it be good to have some bar code readers in some places so that if your system is down, you could read right off the I–20 or just to help get into the system? And I have agreed that we will look at that and do some cost benefit analysis and see whether and where having bar code readers would make sense.

Ms. HART. Thank you.

Mr. GEKAS. The Chair now yields to the lady from Texas for a period of questioning, 5 minutes.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman. Let me apologize for the rough voice that I am suffering from, it is one of these fall colds that causes my voice to be a little difficult. But the spirit is here.

Let me first, Mr. Chairman, acknowledge the very fine work of Commissioner Ziegler, who I am not sure whether we will have another hearing before the end of this immediate session to note that many of these issues preceded him. But under his leadership, I have seen an enormous amount of diligence on cooperation with this Committee and the Senate. And I want to publicly appreciate his fine work and hope that we can see, under his tenure, the final utilization of this important concept that we are discussing here today.

I might have thought better about the terminology, as I read the language, I might have preferred to use the term "monitoring" as opposed to "tracking," because I do want to go back to my earlier point, and clearly emphasize that I believe that most foreign students that come here, and most academic institutions, Mr. Chairman, are in fact diligent. And, at the same time, I think it is important to remind us why we are here, because of the Hani Hanjours, one of the September 11th terrorists.

But, more particularly, again with due respect to these free-standing institutions, but this individual received a visa to allegedly go and learn English, not at a certified—or let me restrain myself—but not at an academic institution that I would call such, and then wandered off not to learn English in Oakland, California, but then instead wound up in Arizona.

I mean, this is the crux of the issue I think that we are dealing with. And I hope that we can reinforce that point that we are not talking about the population of individuals who come here for opportunity. My statement, again, immigration does not equate to terrorism. So I would have hoped—I wanted to note that provisions that were added in, the enhanced border security and Visa Reform Act that we will now be doing as I understand it, Ms. Sposato, that is the documentation of acceptance of students by approved schools, designated exchange programs, transmittal of documentation to the DOS, this is what I understand is going to be part of our monitoring, if I can use that term.

Issuance of nonimmigrant visa to student or exchange visitor, we will know about that admission of student or exchange visitors to the United States, notices to school or exchange program that nonimmigrant has been admitted to the U.S. And then registered and enrolled in school or exchange program. Any other relevant act by the nonimmigrant, including changing schools or programs, I assume we will be monitoring that.

I did not see in—it might have been out on—if you will, faux-pas, and that is a question of whether that student pays by cash.

And so I have a series of questions, and you might ask me, or respond as to whether or not there will be any monitoring of the financial way in which payment is made. If not, Mr. Chairman, I would almost say that whether that can be done by a regulation, I think that is a vital question that should be raised. And I am not

sure if we had it in our legislation or we did not have it in our legislation, it says a lot. And I would like to offer to propose that, or to amend the present legislation that we have to get that information on the table.

But my questions are this: Realizing the diligence of the IRS, I do have several questions. You mentioned your system that SEVIS will track the student once he is physically reported enrolled. If he fails to enroll, his record will be out of status. How will the SEVIS system monitor—I am using a different term—if he enrolls, he or she enrolls and then drops out? How will the INS find this person? How will you monitor this person? What if he or she enrolls and goes to another State, commits a crime while still enrolled? How can we really monitor the person?

Two. Is the SEVIS system, the Internet system, the computer system, sort of strictly numerical? Are we going to be in the business of actually, or have the ability to be actually monitoring?

I have another question. If you can be gracious, we are long, but if you can be brief on those answers, I would greatly appreciate it.

Ms. SPOSATO. Okay. I will try. On paying by cash, I think you are asking about paying tuition by cash?

Ms. JACKSON LEE. Yes, I am.

Ms. SPOSATO. No, that is not part of the system right now. It is not something that I have given any thought to. But it might be something that we should look at. So it won't be something that can I promise would be there on January 1. But, I have got a note. We will think about that.

Ms. JACKSON LEE. Maybe the Chairman will join me on a letter, and then we can work with you to see that that may be one of the inquiries.

Ms. SPOSATO. Okay. When a—some of those other things SEVIS will help us monitor, and some of them it won't. Dropping out. If a student shows up and then drops out, it is the responsibility of the school to notify us through SEVIS that that has happened, to the extent that the school is aware of it.

How will we find the student? We should have a current address. Part of what SEVIS does for us is it gives us an address on that I–20, and the student has an obligation to notify the school if he changes address, and the school has an obligation to enter that into SEVIS. So we should have more up-to-date addresses. It won't be perfect, but we will have better information than we have had in the past.

Crimes committed in another State——

Ms. JACKSON LEE. While still enrolled?

Ms. SPOSATO. While still enrolled. SEVIS does not track the criminal history of students. However, law enforcement, and we do have to work on some of the memorandums of understanding, et cetera, will have access, Federal law enforcement access will have access to SEVIS. So to the extent that Federal law enforcement chooses to look at student records to check people out or have us check people out, they will be able to do that.

So it—but SEVIS is not so active that it is constantly reaching out to States to find out if anything has happened in them.

Ms. JACKSON LEE. Mr. Chairman, if I can get an additional 2 minutes, I won't ask for any additional time.

Mr. GEKAS. Without objection. Proceed.

Ms. JACKSON LEE. Let me just pose a final question to you and then to the Inspector General. Thank you for your work as well. Quickly, it has come to my attention that there are several small and minority-owned businesses who are asking for contracts with the INS as well as for student tracking. And I also know that we had some issues with some of the companies that we had before.

Has there been any serious attention given to the utilization of small and minority businesses? If not, why not? And if so, how have you been able to do this? Will there be an RFP for these contracts? When and what will the process be? And how will we reach out to that community?

Let me pose my second question to Mr. Fine, and then I can listen to your answers. I heard the number of 70 percent, possibly reaching 70 percent success, maybe by January 30.

What security threat does that pose if we reach the 70 percent, and what should we do, and was there anything positive that came out of the 21 schools that were supposedly in the test process, that is to you on the whole implementation aspect.

And I will yield now to Ms. Sposato on the minority and small business and the contracts and how you are going to seek business to do this work, which I think is going to be very important. There is a lot of good expertise out there that needs to be utilized.

Ms. SPOSATO. I am glad you asked the question. In one of my earlier lives, I was the procurement executive for the Department of Justice. And I know the importance of the small and minority business program to the Department. And I know how valuable the services of those firms can be.

The SEVIS contract, the main one for the software, was and is being performed by EDS, which is not a small and minority business. There will be a small amount of additional contracting—well, the contracts for performing the site visits, frankly, we did over the GSA schedule.

I don't know whether any of the vendors that won the award, it will be awarded to three vendors, I don't know if any of them were small or minority businesses. I can check. There will be one third award, probably for the training of DSO officers, and I can promise that we will look at small and minority businesses to do that for us.

The entry/exit, I am just not in a position to really comment upon what is planned in that. There is a lot of procurement to be done there, but I will carry back to the Department your concern and your interest in ensuring that small and minority businesses are considered there for that work.

Ms. JACKSON LEE. Thank you.

Mr. Fine.

Mr. FINE. We haven't heard from the INS what percentage of site visits they think they will complete by January 30. I think it is hard to say because they don't know how many schools will ask to be certified. The more that are visited, the more important it is.

And we have concerns that they simply won't reach the 100 percent goal. One of the things we asked is what was the alternative plan? What is going to happen on January 30 if there hasn't been

a site visit, if there is a concern of a school that is—may not—should not be issuing I–20's. And that is a concern that we have.

So I think the INS ought to consider what will be the alternative come January 30 if they haven't been able to complete all of the site visits. I think that is an important question.

Ms. JACKSON LEE. Thank you.

Mr. GEKAS. We will employ a second round of questioning. I would like to follow up with what Mr. Fine was discussing here.

It is our understanding that if there would be no site visit, then there is no access to SEVIS contemplated. Is that the way we start out?

Ms. SPOSATO. Well, not 100 percent. As I explained, we have a sort of a leapfrog approach to this. If you are an accredited school, you may be allowed access to SEVIS based on a paper review of the records. We will go back and do a site visit for you after January, but we will give you a preliminary.

Mr. GEKAS. You are going to be grading them, and those that are graded A you are going to—1, you are not going to require an on-site visit immediately. Now let's go to B and C.

Ms. SPOSATO. I wouldn't call it grading. We are taking advantage of existing information about those schools. If they are accredited we have very little concern that they are a bonafide functioning institution today. They may not be running their student program the way we would like, and we will get to them. But, at least we know that we have got a bonafide institution.

We have hired three nationwide contractors, and I would like to go into a little bit about how we plan to do this. I think I can put to rest some of the Inspector General's concerns. We have hired three contractors who have nationwide networks of investigators. If you have seen those background investigations that used to be done by OPM, there are now contractors who do that information. One of the contractors was a spin-off of OPM employees. We have hired three of those contractors. And they are ready and able to begin site visits for the schools that will have the site visits.

As Mr. Fine says, we don't know how many that will be. But we hope that—each one of them has said that they can do all of the work, if we have 10,000 schools, each one thinks that they can do it. We haven't relied upon that.

Mr. GEKAS. On that question, whether there be prioritizing, will you prioritize their on-site visit based on eliminating from the priorities the established schools, and going directly to those at higher risk, or are they going to go to Harvard and Penn State?

Ms. SPOSATO. Our plan is to set priorities as we need to. Our proposed regulation, which I understand was approved by OMB last night, so it will be out next week, indicates that if we do not have the time to visit every school, we will set priorities based on risk.

The day after the regulation is published, let's say it is published next Friday, the following Monday, if we have applications from three flight schools and Harvard, we will act on all of them, because we have the investigators ready and we have the ability to do it.

As we approach January, we will prioritize where we make the site visits first. So that we will have—we will visit all flight schools

and all language schools before we put them into the SEVIS System.

If we are fortunate and if everything goes perfectly, everybody will get their site visit in advance of January. If that can't happen, those lower risk schools will be allowed access to SEVIS based on a paper review of their situation. And then we will do the site visits later. We will not allow anyone access to SEVIS that we are not comfortable with.

Mr. GEKAS. Letting them have access to SEVIS without the benefit of the site visit, that will not be violative of regulations?

Ms. SPOSATO. No. The regulation has been carefully written to allow us the option of doing the site visit after, allowing this preliminary enrollment for all but flight and language schools.

Mr. GEKAS. I, for one, would like to have a list of what you might consider at-risk or the higher risk institutions on the question of prioritizing site visits.

Ms. SPOSATO. We have not done that work yet, other than in the regulation. It says flight and language schools will all have site visits.

Mr. GEKAS. I understand.

Ms. SPOSATO. But I would be glad to share that with you.

Mr. GEKAS. As soon as it is developed, I would like to redevelop it.

Ms. SPOSATO. Okay.

Mr. GEKAS. One other question. You are bearing the brunt of these questions, and I feel sorry for you, but I don't feel sorry for you.

Ms. SPOSATO. As long as you are polite, it is okay.

Mr. GEKAS. You have indicated that you have sought or are seeking bar code readers; is that correct?

Ms. SPOSATO. We are considering bar code readers. As I explained, bar code reading is not key to this. However, your staff has convinced me that there are situations where reading the bar code might be some icing on the cake, it might help us. And what we are going to look at is how expensive are those bar code readers and where would it make the most sense to place them.

But, the system really works by reading the system, not by reading the document.

Mr. GEKAS. Well, if we have bar codes, are they useful if we don't have readers?

Ms. SPOSATO. No. But if you are not reading the document at all, the bar code is—as I understand it, and I am relatively new to the INS, and the bar code is a vestige of some of the pilot systems where reading the document was the important part of the process.

When SEVIS was developed, reading the document became unimportant. They left the bar code on the document because it was developed and we have the technology for it. But, reading the bar code is not the key here. It is just like reading your itinerary is not the key to whether the airline is going to let you on the plane. It is what is in their system about whether have you an E ticket that matters.

In this case, it is what is in our system about whether you have an I–20. So remember, as I explained, you may have three I–20's for three different schools, only one of them may be valid at a later

date. So reading the documents can be misleading, and we wanted to encourage people to go into the system and read from the system when they want the information.

Mr. GEKAS. So the bar code becomes superfluous?

Ms. SPOSATO. Somewhat superfluous. There may become a day when we don't even use the paper document.

Mr. GEKAS. Does that satisfy the remaining members of the panel to know that the bar code is going out the window?

Ms. COTTEN. Can I speak to that?

Mr. GEKAS. Yes.

Ms. COTTEN. When we were developing this program with CIPRIS and SEVIS, it was my understanding that the bar code is merely a way of opening the file. That it was merely—it was a way of opening the file, that is, that the scanner would make the screen pop up and say, you know, Catheryn Cotten is admitted to Duke, so that you could use the bar code or the access, or you could actually type in the number or name of the student to have that file pulled forward. I am not sure what changes have been made in the SEVIS process. But our understanding was that it was merely one way to open that record and see it, and it was the most efficient way, so you didn't have to type in numbers, you don't have to type in a name, you just scan a code and the file opens.

It is interesting to hear that it appears that there will be a different way of opening the file than using the bar code.

Ms. SPOSATO. No. You can type in the name or the number.

Mr. GEKAS. It means that you have to change your procedures; is that right at Duke?

Ms. COTTEN. We would not change what we do, because the bar code gets printed by the Immigration Service. When we hit the print button, the laser printer in our office prints out a document that looks like this.

So as far as we are concerned, it can print out with whatever Immigration wants to see. But it was our understanding in terms of technology that the bar code is a far more accurate technological method for accessing a file as opposed to typing in a name which may be misspelled or typing in the number that is assigned to the student, which might be keyed in erroneously.

Mr. GEKAS. The time of the Chair has expired. We turn to the lady from California for a period of second round questioning.

Ms. LOFGREN. Thank you, Mr. Chairman. First, I have many, many questions. And I would like permission of the Chair to submit them for later answer.

Mr. GEKAS. Without objection, the Members of the Committee will be given the opportunity to render written questions with the fullest cooperation of the individuals who are testifying here today, we trust. And that has been accomplished without objection.

Ms. LOFGREN. Thank you, Mr. Chairman. Mindful that we have a vote on and other Members wishing to speak, I must say that listening to this testimony today has made me even more sure that the vote I cast to move the State Department visa issuance function into homeland defense was the right approach.

Because, it seems to me that there is—there is some disconnect even yet between the issuance of visas, the information that is

being gathered at a consulate, and the seamless transmission of that data to the INS and to the university's system.

And I think we are going to be paying a price for that unless the Senate accedes to the House in the moving of the consular functions. And getting back to the bar code issue, I mean, it seems to me, if we were to integrate these functions, obviously you have got three I–20's, and the example given, you have got Harvard, fly-by-night-U, and fly-by-night-U-2. And the student chooses Harvard. The consular official ought to cancel the I–20, and the only thing that would be in the system would be the I–20 that reflects the actual admission, and the bar code, I mean, every supermarket in America has a bar code reader. Presumably we will want to have that technology so that we would have accurate transmission both at the ports of entry, would be INS inspectors, and the—could also be utilized by the—by the universities who are partners in tracking this information.

And getting back to my prior question about students who have the misfortune of having been born in one of the seven countries of specific interest under the law. I mean, obviously, in most of these countries, there is no—there is no embassy, and so there is no embassy to do background checks on these kids.

And so they are going to some other country that doesn't know anything about them, when the real information needs to be gathered about them here. And for the most part, at least the students I have met, they don't want to go and live in some horrible place that they left. They hope to live in Europe or in the U.S. Ultimately. And they are willing to have their backgrounds examined here because they want to be safe in America as well. But there is no way to do that because that is the State Department, and there is the INS, and we don't have a joint approach on making us safe.

So I don't have an additional question except, Mr. Chairman, to say I hope we can work hard together to make sure that the—the transfer of those visa issuance function systems by the State Department does indeed get transferred over to homeland defense, because this is just an obvious example of why this does not work. And I yield back.

Mr. GEKAS. The Chair thanks the lady. We turn to the lady from Pennsylvania for a quick round of second questions.

Ms. HART. I have one question. It will be quick.

This is basically regarding the SEVIS system again. It is my understanding that there has been a training program that the INS had where specialists would travel to the schools to teach the employees how to use the system.

First of all, does that system continue? And if it has been discontinued, why? And does that have anything to do with the slowing of the implementation of the system?

Ms. SPOSATO. INS did have a portion of the EDS contract that involved what I would call outreach. And the reason I called it outreach rather than training is that the system was not up. We weren't training people in how to use the system, but it was to help try to bring schools along and help them understand what SEVIS would be like and what the whole process would be like. And when I mentioned in my report statement that we had made over a hun-

dred visits to schools in the last year, that is largely through that contract.

Around July when we began actually enrolling schools into the SEVIS system to begin using the system, we decided that it was that—that that kind of outreach was not our best use of resources, and we moved the resources into this help desk that we have all talked about here that is available for schools to help them actually get on-line and started using the system and deal with the kinds of issues that Catheryn raised.

Ms. HART. That is a replacement then?

Ms. SPOSATO. Right. It is just a change of focus from one to another. Now, we are continuing to do some outreach with our own staff, but it won't be to the high degree that it was done earlier. But we think it is appropriate as you move closer to implementation, that you focus your training on how do you actually use the system and how do you get on and why isn't your password working and all of those kind of one-on-one things, rather than these large group sessions where you are just describing things.

Ms. HART. How long has the help desk been up and running? Since July?

Ms. SPOSATO. Maybe August. Well, July.

Ms. HART. And it is being utilized?

Ms. SPOSATO. Yes, it is. In fact, I had a question earlier, and now I have a note answering it. We have about a hundred questions a day on the help desk right now. Now, as I explained, we will get a lot more. As we have more schools approved to use it, you will get more questions.

Ms. HART. I yield back, Mr. Chairman.

Mr. GEKAS. The lady from Texas is recognized for a second round.

Ms. JACKSON LEE. Mr. Chairman, let me just simply ask that the statement from the National Association of International Educators be submitted into the record with unanimous consent. I ask unanimous consent.

Mr. GEKAS. Without objection.

[The information referred to follows in the Appendix]

Ms. JACKSON LEE. And I am just going to have a closing comment, because I think there is so much on the table that we are going to have to probe this either individually or hear back from the Commissioner on this.

Let me make an official request that the INS present to us the answer to the question of if we are not up and running, have not made all of the site visits by January 30, what is your solution?

I would also ask you to include in that your concerns or commentary about the visa program as it relates to DOS. I know that is not your issue, but it plays into the implementation of the SEVIS program. So you, if you could, provide us with that. That is absolutely crucial.

Then I will conclude by saying that the cash puts an enormous pale over September 11th, that seemed to be the currency. Obviously a check and a credit card gives us even more information. So I believe the devil is in the details, and someone paying cash should be the reddest flag that we can have. However we get that included, we must do that immediately. We have sent a signal that

we now know that cash sends up flags, I thank you very much and I look forward to working with you.

Mr. GEKAS. We thank the lady. We will allow Mr. Hartle to give a 60-second answer.

Mr. HARTLE. I won't even take 60 seconds. One of the weaknesses that we see with SEVIS is training. Campuses have very little information. The information they get from the help desk is often ambiguous and conflicting. We have asked INS to work with us to set up some regional meetings where all sorts of people can come. Campuses have hundreds of operational questions, and we need to get those answered if we are to have an even chance of implementing SEVIS by the date that everyone wants it implemented by.

Mr. GEKAS. The Chair suspects that the intense notetaking on the part of the INS people here to your remark will speed some action on that square.

We are very grateful for what you have imparted to us today. I personally feel that we might need another hearing if only time would permit, and of course, time governs all in these days.

But, what we have learned has been very beneficial, but beneficial only that it raises a lot of questions that have not yet been answered. We may or we may not have another hearing. We will have more questions. We thank you for your attendance and your participation. The hearing is closed.

[Whereupon, at 11:45 a.m., the Subcommittee was adjourned.]

APPENDIX

STATEMENTS SUBMITTED FOR THE HEARING RECORD

Statement for Submission to the Hearing Record
Oversight Hearing on the INS's Implementation of the Foreign Student Tracking Program
House Judiciary Subcommittee on Immigration, Border Security, and Claims
September 18, 2002

Mr. Chairman:

We are pleased to have the opportunity to submit this statement on behalf of NAFSA: Association of International Educators. NAFSA would also like to associate itself with the statement of the American Council on Education. NAFSA, the professional association whose members are involved in educational exchange at the post-secondary level, represents more than 8,500 international educators, including foreign student advisors at most U.S. institutions of higher education that enroll significant numbers of international students. NAFSA, along with our members, has worked closely with the INS on the development of the Student and Exchange Visitor Information System (SEVIS). We are a premier professional association devoting significant resources to providing foreign student advisors with the tools they will need to implement SEVIS on campuses throughout the country. NAFSA appreciates the opportunity to impart our thoughts on the implementation of SEVIS, a system of unprecedented complexity and size.

NAFSA fully supports efforts to address abuses of student status, particularly in the rare cases when such abuses could threaten the safety and security of the United States and its citizens. Our members take seriously their responsibility to do their part to strengthen the nation's protections against terrorism. At the same time, we ask policy makers, federal regulators, and all Americans to recognize that international students constitute a tiny minority of nonimmigrant visitors to the United States - less than two percent of the total - and indeed none of the September 11 terrorists had any known connection to any two-year or four-year institution of higher education in the United States. Our strong belief that openness to international students and scholars fits squarely within the national interest of the United States is not only unshaken, but strengthened, by the terrible events of last September 11. International students are part of the solution to terrorism, not part of the problem.

We would like to take this opportunity to commend the INS for its diligent work in attempting to make SEVIS available by the deadline set by Congress. For a variety of reasons--including the complexity of the system, competing priorities, and a lack of resources-September 11, 2001, found the development of the SEVIS program seriously behind schedule. Although INS has made remarkable efforts to catch up, the program has some way to go before it can become fully operational. NAFSA and its members keenly feel their responsibilities to do everything in their power to help complete the development of this still-incomplete system. However, since responsibility for the development and implementation of the information system that schools must use to report rests with the INS, schools can only move as fast as the INS lets them.

Our commitment to ensuring that our members are as prepared as possible for compliance

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with SEVIS is readily apparent by the efforts our association has made to keep our members abreast of the latest information regarding the implementation process. We have marshaled our member leaders and charged them with the task of determining what the general membership will need to meet its SEVIS obligations. NAFSA has appointed a national SEVIS Coordinator and created project manager positions, staffed by NAFSA member experts, to assist and advise members throughout this arduous process. We have also created a state-of-the-art website with up-to-date information and are currently in the final stages of developing an electronic forum that will enable our members to more readily communicate with one another to share SEVIS knowledge and resources. We have been in direct and regular communication with INS to receive information updates and to provide guidance to the INS as they continue to develop and enhance the system. At our annual conference last May, attended by more than 5,500 professionals in the international education field, NAFSA invited representatives of the INS to discuss the SEVIS implementation process, arranged to have the SEVIS web-interactive system demonstrated during special sessions, and provided question and answer sessions with NAFSA member experts. In addition, NAFSA has served as a channel of communication between the INS and the various parties with an interest in SEVIS, including campuses nationwide and other higher education associations. Moreover, we are providing guidance as our members and their schools begin their efforts to develop batch reporting capability - essential for the compliance of schools with larger foreign student populations - now that the technical specifications have been made available to them. Integral to this process will be the testing of the system, during which the schools will provide feedback that the INS will use to correct and refine the system.

We assure the Subcommittee that schools are doing everything possible in attempting to meet the reporting deadline of January 30, 2003. However, a system of this complexity and magnitude, particularly when being developed and implemented during an incredibly short period of time, needs thorough testing in order to be effective. It cannot be overemphasized that premature implementation of SEVIS before systems are in place that can assure the accuracy of the data will detract from, not add to, homeland security. It is of great concern to the higher education community that the result of an attempt to "flip the switch and go live" on January 30, 2003, without the reporting system having been fully developed and tested, is very likely to be chaos. If that occurs, we will know less on that day concerning the whereabouts of international students than we do today.

NAFSA: Association of International Educators

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